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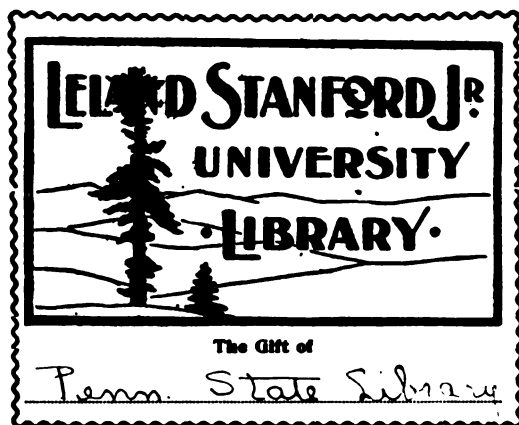
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THE
Statutes at Large
OF
PENNSYLVANIA
FROM
1682 to 1801

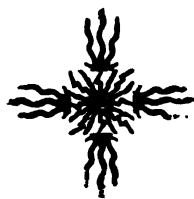
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PREFATORY NOTE.

The notes and index have been prepared under the supervision of the Commission.



THE STATUTES AT LARGE OF PENNSYLVANIA.

CHAPTER MDXXI.

AN ACT TO DECLARE AND ESTABLISH THE SEALS OF THIS COMMON-WEALTH.

(Section I. P. L.) Whereas the late convention of this commonwealth did, on the second day of September last, establish a new form of government for Pennsylvania, and no provision is therein made for public seals:

[Section I.] (Section II. P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, the seal heretofore known by the name of the State Seal, lately in the custody of the supreme executive council, is hereby constituted the State Seal, and shall be affixed to all patents, proclamations and other public rolls, commissions and papers of state, which require the great seal of the commonwealth, and to which the same has heretofore been usually applied.

[Section II.] (Section III. P. L.) And be it further enacted by the authority aforesaid, That the seal lately in the custody of the supreme executive council, called the Lesser Seal, shall be henceforth deemed and taken, and shall be applied as the less seal of this commonwealth, and as such set to land office warrants, marriage licenses, licenses to keep public houses, and such other documents as have heretofore been issued under the Lesser Seal.

[Section III.] (Section IV. P. L.) And be it further enacted by the authority aforesaid, That the said seals respectively shall be, and the same are hereby declared to be, the Great and Less Seals of this commonwealth, and shall be affixed accordingly under the direction of the governor.

Passed January 8, 1791. Recorded L. B. No. 4, p. 126.

CHAPTER MDXXII.

AN ACT FOR INSTITUTING A BOARD OF PROPERTY, AND FOR OTHER PURPOSES THEREIN MENTIONED.

(Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the secretary of the land-office, the receiver-general, the surveyor-general and master of the rolls, for the time being, or any three of them, shall be, and they are hereby constituted and appointed, a board of property, with authority to exercise all the powers under the same rules and regulations as granted to the board of property instituted by an act of the general assembly of this commonwealth, passed the fifth day of April, one thousand seven hundred and eighty-two, entitled, "An act to vest certain powers in the president of this state, together with the other officers therein named and for other purposes therein mentioned." (1) And the secretary of the land-office is hereby empowered to appoint days of hearing and grant citations, at the reasonable request of any person or persons applying for the same, or otherwise, as the case may require.

[Section I.] (Section II. P. L.) And be it enacted by the authority aforesaid, That from and after the passing of this act, all warrants issuing out of the land-office of this commonwealth, shall be under the lesser seal of the state, and signed by the governor.

¹Chapter 964.

[Section II.] (Section III. P. L.) And be it enacted by the authority aforesaid, That all patents issuing under the authority of this commonwealth shall be by deed-poll, and shall be signed by the governor and countersigned by the secretary, appointed or to be appointed conformably to the fifteenth section of the second article of the constitution, or by the secretary of the land office and under the great seal of the state, and begin in the following style, viz.: "The Commonwealth of Pennsylvania, To all to whom these presents shall come, Greeting," and then continue in the usual form.

[Section III.] (Section IV. P. L.) And be it further enacted by the authority aforesaid, That the governor shall cause the lesser seal of the state to be affixed to all warants, and the great seal to all patents issuing as aforesaid.

[Section IV.] (Section V. P. L.) Be it further enacted by the authority aforesaid, That this act shall continue in force until the first day of December next, and from thence to the end of the next session of the general assembly and no longer.

Passed January 8, 1791. Recorded L. B. No. 4, p. 133. The Act in the text was continued by the Act of Assembly passed March 28, 1792, Chapter 1611, and this Act was continued by the Act of Assembly passed January 13, 1794, Chapter 1706; and this last Act was continued by the Act of Assembly passed April 11, 1779; Chapter 2086.

CHAPTER MDXXIII.

AN ACT FOR TRANSFERRING CERTAIN POWERS EXERCISED BY THE LATE PRESIDENT AND SUPREME EXECUTIVE COUNCIL TO THE GOVERNOR OF THIS COMMONWEALTH.

(Section I. P. L.) Whereas by the present constitution of this commonwealth, the executive powers of government are vested in the governor, and it is proper and necessary that such laws as directed any duties to be performed by the former ex-

ecutive authority of this state should be made conformable to the new organization of the powers of government. Therefore:

[Section I.] (Section II. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That all and every duty which by any of the laws of this state was directed to be done and performed by the president or by the president and supreme executive council not inconsistent with the constitution of this commonwealth and not otherwise directed by the act passed in the present session, entitled "An act for instituting a board of property and for other purposes therein mentioned,"¹ shall be executed by the governor of this commonwealth; and that every of the laws relative to the duties first herein before mentioned shall be and they are hereby so far and no further repealed and made void; provided nevertheless, That this act shall continue in force until the end of the present session of the General Assembly and on longer.

Passed January 14, 1791. Recorded L. B. No. 4, p. 127.

CHAPTER MDXXIV.

AN ACT TO EMPOWER THE GOVERNOR TO GRANT A PATENT TO BIG-TREE, A SENECA CHIEF, FOR A CERTAIN ISLAND IN THE ALLEGHENY RIVER.

(Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor be empowered, and he is hereby empowered, to grant a patent to Big-Tree, one of the chiefs of the Seneca nation, for a certain island in the Allegheny river about three miles below the Conewango river, called Cone-

¹ Chapter 1522.

wango Island, containing about two hundred acres, to hold to him and his heirs forever, and that the same be granted free and clear of all expense.

Passed January 29, 1791. Recorded L. B. No. 4, p. 130.

CHAPTER MDXXV.

AN ACT FOR GRANTING EIGHT HUNDRED DOLLARS TO CORN-PLANTER HALF-TOWN AND BIG-TREE, SENECA CHIEFS, IN TRUST FOR THE SENECA NATION; AND FOR OTHER PURPOSES THEREIN MENTIONED.

(Section I. P. L. Whereas some dissatisfaction hath arisen in the Seneca nation from various causes, and particularly respecting the boundaries of certain lands lately purchased from them by this state; And whereas the legislature of this commonwealth are desirous of removing every shadow of complaint made by the Seneca nation.

[Section I.] (Section II. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor be empowered, and he is hereby empowered, to draw a warrant on the state treasurer for the sum of eight hundred dollars, to be paid by him to the Corn-Planter, Half-Town and Big-Tree, Seneca chiefs, now in the city of Philadelphia, in trust for the use of the Seneca nation, and in full satisfaction of all claims and demands whatever made by the Seneca nation against this commonwealth, they executing a full, clear and final quitclaim to the governor for the use of the commonwealth aforesaid. Provided, That nothing contained in this act shall be construed to make void the privilege of hunting reserved to the Seneca nation in the cession of certain tract of country made to this commonwealth on the twenty-third day of October, in the year of our Lord, one thousand seven hundred and eighty-four.

[Section II.] (Section III. P. L.) Be it enacted by the authority aforesaid, That the governor be also empowered to draw a warrant or warrants on the state treasurer for a sum not exceeding nine hundred and ten pounds, to defray the expenses already incurred, and to be incurred, by the Seneca chiefs and other Indians during their journey to and stay in the city of Philadelphia, to provide for their expenses during their journey to their own country and to make compensation to the interpreter.

[Section III.] (Section IV. P. L.) Be it enacted by the authority aforesaid, That the treasurer shall pay the aforesaid drafts of the governor out of the funds appropriated for claims and improvements.

[Section IV.] (Section V. P. L.) Be it enacted by the authority aforesaid, That the governor be authorized and empowered, and he is hereby authorized and empowered, to direct the following tracts of land free of all expenses, viz.: Six hundred acres on the west bank of the Allegheny river about three miles below the northern boundary of this state, including Jenuch Shadega town and two islands nearly opposite said town; six hundred acres on the Allegheny river including a Delaware town, by the Senecas, called Conenugayya; and three hundred acres on Oil creek including an oil spring near the Allegheny river to be surveyed and patented to Corn-Planter, his heirs and assigns for ever in virtue of a resolution of the General Assembly bearing date the twenty-fourth day of March in the year of our Lord, one thousand seven hundred and eighty-nine; which said tracts, amounting to fifteen hundred acres, are hereby directed to be granted in lieu of and in full compensation for fifteen hundred acres of land, directed by the said resolution, to be set apart, surveyed and granted to the said Corn-Planter, his heirs and assigns forever.

Passed February 1, 1791. Recorded L. B. No. 4, p. 128, etc. See the Act of Assembly passed April 7, 1791; Chapter 1554.

CHAPTER MDXXVI.

AN ACT TO AUTHORIZE THE SPEAKER OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES TO DRAW WARRANTS ON THE STATE TREASURER FOR THE PURPOSES THEREIN MENTIONED.

(Section I. P. L.) Whereas by the new distribution of the legislative powers of government into two branches it becomes necessary to make provision for the separate support of the contingent and other charges of the two houses of the General Assembly.

[Section I.] (Section II. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the speaker of the senate and the speaker of the house of representatives shall be and they are hereby fully empowered severally to draw their warrants on the state treasurer for the wages and mileage of the members of the General Assembly for the pay of their respective officers and for their incidental expenses, which warrants, being duly countersigned and entered in the same manner as warrants drawn by the governor, shall be available to the state treasurer in the settlement of his accounts with the commonwealth for the sums expressed therein.

[Section II.] (Section III. P. L.) Be it enacted by the authority aforesaid, That the treasurer be and he is hereby enjoined to pay the said warrants of the speaker of the senate and of the speaker of the house of representatives out of the moneys that are or may be appropriated for the defraying the expenses of government.

Passed February 2, 1791. Recorded L. B. No. 4, p. 128.

CHAPTER MDXXVII.

AN ACT FOR PROVIDING PAYMENT TO DOCTOR FRANCIS ALISON
AND OTHERS FOR SUPPLIES FURNISHED IN THE YEAR ONE THOU-
SAND SEVEN HUNDRED AND SEVENTY-FIVE.

Whereas Doctor Francis Alison, surviving executor of the last will and testament of his brother Benjamin Alison, by petition to this house represented, That in consequence of the orders of John Penn, Esquire, late governor of Pennsylvania, dated the twenty-fifth day of November, one thousand seven hundred and seventy-five, the said deceased furnished supplies and medicines to persons employed to execute the said orders, and as the said accounts cannot be settled and adjusted under any of the existing laws of this commonwealth, and as it is but just and reasonable that compensation should be made to those who furnished such supplies for the use of government: Therefore:

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the register-general of this state be and he is hereby authorized and required to examine and settle the accounts of Doctor Francis Allison, surviving executor of his brother, Benjamin Allison, and of such others as furnished supplies to persons employed in the execution of orders given by John Penn, Esquire, late governor of Pennsylvania, dated the twenty-fifth day of November, one thousand seven hundred and seventy-five, admitting the said accounts or such parts of them as shall appear to be just and equitable, and the same being examined and approved by the comptroller-general and afterwards confirmed by the governor, certificates shall thereupon be issued in favor of the respective claimants for such sums as they shall be entitled to which certificates shall bear interest from the date of this act. Provided, That nothing herein contained shall be construed to extend to such

persons as have not exhibited their claims either before the general assembly or the late executive council previous to the passing of this act.

Passed February 18, 1791. Recorded L. B. No. 4, p. 134. See the Act of Assembly passed March 21, 1791, Chapter 1537.

CHAPTER MDXXVIII.

A SUPPLEMENT TO THE ACT ENTITLED "AN ACT TO DECLARE AND REGULATE ESCHEATS."¹

Whereas it is proper that persons purchasing lands in this state may transmit their possession to their children, relations or friends who may still remain in and be the subjects of foreign states: Therefore:

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That every person, being a citizen or subject of any foreign state, shall be able and capable in law of acquiring and taking by devise or descent lands and other real property in this commonwealth and of holding and disposing of the same in as full and ample a manner as the citizens of this state may or can do and no such lands or estate so held by devise or descent shall escheat or be forfeited to the commonwealth for or on account of the alienage of such person claiming the same under any last will or succeeding thereto according to the laws of this commonwealth.

[Section II.] (Section II. P. L.) And be it further enacted by the authority aforesaid, That all such persons shall be able and capable in law to dispose of any goods and effects to which they may be entitled within this state either by testament donation or otherwise and their representatives, in whatever place they may reside, shall receive the succession according to the laws of this commonwealth, either in person or by attorney

¹Passed September 29, 1787, Chapter 1316.

in the same manner as if they were citizens of this commonwealth.

[Section III.] (Section III. P. L.) Provided nevertheless, and be it further enacted by the authority aforesaid, That nothing herein contained shall be construed to prevent the sequestration of any real or personal estate belonging to any such alien during the continuance of war between the United States of America and the state or prince of which such person may be a citizen or subject.

Passed February 23, 1791. Recorded L. B. No. 4, p. 130.

CHAPTER MDXXIX.

A FURTHER SUPPLEMENT TO THE SEVERAL ACTS OF THE GENERAL ASSEMBLY RESPECTING AUCTIONS AND AUCTIONEERS.¹

Whereas inconveniences have arisen by restraining auctioneers from holding their auctions wheresoever they may judge it convenient in the city of Philadelphia, the district of Southwark, or the townships of the Northern Liberties and Moyamensing: For remedy whereof:

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for each and every auctioneer, already licensed or who may hereafter be licensed by the governor of this commonwealth under the subsisting laws thereof, to make sale by public auction of any lands, or tenements, goods, wares, merchandise, or other property whatsoever, at any place or places which the said auctioneers respectively may deem most beneficial to him within the city of Philadelphia, the district of Southwark or the township of the Northern Liberties or Moyamensing.

¹See the note to the Act of Assembly passed March 19, 1789; Chapter 1400.

[Section II.] (Section II. P. L.) Be it further enacted by the authority aforesaid, That such parts of any former act or acts of assembly of this commonwealth as prevent either of the said auctioneers, now licensed or hereafter to be licensed as aforesaid, from holding public sales in the city of Philadelphia, the district of Southwark or townships of the Northern Liberties and Moyamensing, shall be and the same are hereby declared to be null and void to all intents and purposes, whatsoever, any clause matter or thing therein contained to the contrary thereof in anywise notwithstanding.

Passed February 26, 1791. Recorded L. B. No. 4, p. 125, etc.

CHAPTER MDXXX.

AN ACT FOR ERECTING THE TOWNSHIPS OF HAMILTON AND LOWER SMITHFIELD, IN THE COUNTY OF NORTHAMPTON, INTO A SEPARATE ELECTION DISTRICT, AND THE TOWNSHIPS OF UPPER SMITHFIELD AND DELAWARE, IN THE SAID COUNTY, INTO A SEPARATE ELECTION DISTRICT.

(Section I. P. L.) Whereas by a representation made to the legislature by the freemen of the townships of Hamilton, Lower Smithfield, Upper Smithfield and Delaware, in the county of Northampton, it appears they labor under great inconveniences, owing to their remoteness from the place where the general election for said townships is now held: For remedy whereof:

[Section I.] (Section II. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the townships of Hamilton and Lower Smithfield, in the county of Northampton, be and the same are hereby erected into a separate election district, to be called the Fourth District of said county, and that the freemen of the said townships of Hamilton and Lower Smithfield, shall hereafter meet at the house now occupied by Colonel Jacob Strout, in the said township of Lower Smithfield, for the purpose of holding elections conformably to the constitution and laws of this commonwealth.

[Section II.] (Section III. P. L.) Be it further enacted by the authority aforesaid, That the townships of Upper Smithfield and Delaware, in the said county of Northampton, be and the same are hereby erected into a separate election district, to be called the Fifth District of said county, and that the free-men of said townships of Upper Smithfield and Delaware shall hereafter meet at the house now occupied by Johannes Van Etten, in the said township of Delaware, for the purpose of holding elections conformably to the constitution and laws of this commonwealth.

Passed March 5, 1791. Recorded L. B. No. 4, p. 129.

CHAPTER MDXXXI.

AN ACT TO ENABLE THE GOVERNOR TO APPOINT NOTARIES PUBLIC, AND FOR OTHER PURPOSES THEREIN MENTIONED.

(Section I. P. L.) Whereas the establishment of public notaries has been found useful in all commercial countries:

[Section I.] (Section II. P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That after the first day of September next, the governor shall appoint and commission a competent number of persons of known good character, integrity and abilities, as notaries public, for the commonwealth of Pennsylvania, to reside within such place or places within this state, as the governor shall in and by the respective commissions direct, and the said notaries, whilst residing in such place or places, shall hold their said respective commissions during good behavior: Provided always, That there shall not be at any time more than six notaries appointed and commissioned to reside within the city and county of Philadelphia, nor more than three to reside in any other county within this state. And provided also, That no person shall be commis-

sioned as a notary who shall not have resided within this commonwealth two years next previous to his appointment.

[Section II.] (Section III. P. L.) And be it further enacted by the authority aforesaid, That the said notaries so commissioned as aforesaid, and every of them, shall have the power of administering oaths and affirmations according to law, in all matters belonging or incident to the exercise of their notarial office, and that all and every person and persons that shall be legally convicted of having wilfully and knowingly made or taken a false oath or affirmation, before any notary or notaries, in any matter or matters within his or their official duty, shall suffer the pains and penalties of wilful and corrupt perjury.

[Section III.] (Section IV. P. L.) And be it further enacted by the authority aforesaid, That the said notaries, and every of them, shall have the power to receive the proof or acknowledgment of all instruments of writing relating to commerce or navigation, such as bills of sale, bottomries, mortgages and hypothication of ships or vessels, charter-parties of affreightment, letters of attorney, and such other writings as have been usually proved or acknowledged before notaries within this commonwealth, and also to make declarations and testify the truth thereof under their seals of office concerning all matters by them done in virtue of their respective office.

[Section IV.] (Section V. P. L.) And be it further enacted by the authority aforesaid, That every of the said notaries shall keep fair registers of all official acts by them done in virtue of their office, and shall, when thereunto required, give a certified copy of any record in his office unto any person or persons applying for the same, such person or persons paying the customary fees therefor.

[Section V.]. (Section VI. P. L.) And be it further enacted by the authority aforesaid, That in case of the death, resignation, disqualification or removal of any of the said notaries, his or their registers and other public papers shall be lodged within thirty days next after such death, resignation, disqualification or removal, in the office of the recorder of deeds of the particular county where he or they resided, who may bring and main-

tain actions of trover or detinue for the same, and such registers or public papers shall not in any case be liable to be seized, attached or taken in execution for debt, or for any demand whatsoever.

[Section VI.] (Section VII. P. L.) And be it further enacted by the authority aforesaid, That every notary shall provide a public notarial seal, with which he shall authenticate all his acts, instruments and attestations, on which seal shall be engraved the arms of this commonwealth, and shall have for legend the name, surname and office of the notary using the same, and the place of his residence.

[Section VII.] (Section VIII. P. L.) And be it further enacted by the authority aforesaid, That every notary on his appointment, and before he enters upon the duties of his office, shall take and subscribe an oath or affirmation, that he shall and will well and faithfully perform the duties of his office, and also, that he shall and will support the constitution of this commonwealth; and also shall give bond, himself in a sum not exceeding six hundred pounds, and two sureties in a sum not exceeding three hundred pounds each, conditioned for the faithful performance of the duties of his office, the amount of the said bonds to be determined on by the governor, which obligations shall be recorded in the rolls-office, or office for recording of deeds, within the respective counties where he may reside, and may be sued by any party or parties injured, in like manner and with the like effect as bonds given by sheriffs and coroners for the faithful execution of their respective offices.

Passed March 5, 1791. Recorded L. B. No. 4, p. 131. See the Act of Assembly passed April 4, 1798, Chapter 2004.

CHAPTER MDXXXII.

AN ACT TO ENJOIN CERTAIN DUTIES ON THE SECRETARY OF THE COMMONWEALTH, AND FOR OTHER PURPOSES.

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Penn-

sylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the following duties be enjoined on the secretary of the commonwealth, in addition to those prescribed in the constitution. First: He shall keep the great and less seal of the state, and affix them, respectively, as the case may require, to all public instruments to which the attestation of the governor's signature now is or shall hereafter be required by law. Second: He shall collect and pay over to the state treasurer, quarterly, the fees heretofore usually collected by the secretary of the late supreme executive council. Third: All bonds and recognizances, which now are, or hereafter shall be, by law directed to be given to this commonwealth, for the faithful discharge of any office, commission or public trust, shall be taken by the secretary in the name of the commonwealth, for the uses in the same respectively expressed; the sureties therein to be approved by the governor, except in the cases of bonds and recognizances given by sheriffs and coroners and their sureties, which shall be in double the amount heretofore by law required, and the competency of the sureties shall be submitted to the justices of the courts of common pleas of their respective counties, or to any two or more of them, for that purpose convened for their approbation, which approbation, being confirmed by the governor, bonds or recognizances, conformably to the laws of this commonwealth, shall be taken by the recorder of deeds for the county, from the person commissioned by the governor and his sureties, previous to such person's entering upon the duties of his office, which bonds and recognizances, after being duly entered in the office of the said recorder of deeds, shall be by him transmitted to the secretary, and by the said secretary filed in his office, copies of which bonds or recognizances, under the hand and seal of the secretary, or under the hand and seal of the recorder of deeds in whose office the originals are recorded and filed, shall be admitted as legal evidence in any suit or suits that shall be brought thereon, against the obligors or cognizers, their heirs, executors or administrators. Fourth: The books, papers and accounts of the secretary shall be open to the inspection and examination of committees of each branch of the

legislature, and the secretary shall furnish such copies or abstracts therefrom, as may from time to time be required.

[Section II.] (Section II. P. L.) And be it further enacted by the authority aforesaid, That the secretary shall give bond to the governor, for the use of the commonwealth, for the due and faithful performance of the several trusts to him committed, himself in the sum of one thousand pounds, and two sufficient sureties in the sum of five hundred pounds each, which bonds shall be duly acknowledged and entered of record in the rolls-office.

[Section III.] (Section III. P. L.) And be it further enacted by the authority aforesaid, That the secretary shall have a deputy, to be by him appointed, with the approbation of the governor, and the said deputy shall be removable by the said secretary, whenever he shall think it expedient.

[Section IV.] (Section IV. P. L.) And be it further enacted by the authority aforesaid, That the said secretary shall receive, during his continuance in office, at the rate of five hundred pounds per annum, and the said deputy shall receive, during his continuance in office, at the rate of two hundred and fifty pounds per annum.

Passed March 12, 1791. Recorded L. B. No. 4, p. 134. See the Acts of Assembly passed April 8, 1794, Chapter 1736; April 4, 1796; Chapter 1897.

CHAPTER MDXXXIII.

AN ACT TO PROVIDE FOR THE ELECTION OF REPRESENTATIVES OF THE PEOPLE OF THIS STATE IN THE CONGRESS OF THE UNITED STATES.

Whereas it is necessary to make provision for the election of representatives of the good people of this commonwealth, to serve in the House of Representatives of the United States for two years, and a division of the state into districts, for such purpose, appears most conducive to a fair and equal representation of the people.

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That for the purpose of electing representatives of the people of this commonwealth, to serve in the house of representatives of the United States for two years, this state shall be divided into eight districts, as follows: The city of Philadelphia and the county of Delaware shall be a district, and shall elect one member; the counties of Philadelphia and Bucks shall be a district, and shall elect one member; the counties of Chester and Montgomery shall be a district, and shall elect one member; the counties of Berks, Northampton and Luzerne shall be a district, and shall elect one member; the counties of Lancaster and Dauphin shall be a district, and shall elect one member; the counties of Northumberland, Bedford, Franklin, Huntingdon and Mifflin shall be a district, and shall elect one member; the counties of York and Cumberland shall be a district, and shall elect one member; the counties of Westmoreland, Fayette, Washington and Allegheny shall be a district, and shall elect one member; which representatives respectively may be taken from the state at large, provided they are otherwise qualified, according to the constitution of the United States.

[Section II.] (Section II. P. L.) Be it enacted by the authority aforesaid, That the election of representatives, agreeably to the constitution of the United States, and the directions of this act, shall be held by the citizens of this state, qualified to vote for members of the general assembly, on the second Tuesday of October next, at the same places respectively, in the same manner and under the care and regulation of the same officers, as in and by the several acts of assembly, for the regulation of the general elections of this state, is provided; of which elections public notice shall be given by the sheriffs of the respective counties at least thirty days before the said election.

[Section III.] (Section III. P. L.) Be it enacted by the authority aforesaid, That every person, who shall be guilty of any neglect or abuse of any of the said acts of assembly, for

the regulation of elections, at any election to be held in pursuance of this act, shall be prosecuted and punished in the same manner, as if he had been guilty of the like neglect or abuse in the election of members of the legislature of this state.

[Section IV.] (Section IV. P. L.) Be it enacted by the authority aforesaid, That the judges of the election in the city of Philadelphia, and in each respective county, after having formed the return of the whole election in the said city, or in their respective county, in such manner as is by law directed, shall send the same, by one or more of their number, to the place hereafter mentioned, within the district of which such city or county is a part, where the judges so met shall compare and cast up the several returns, and shall execute, under their hands and seals, one general and true return for the whole district; that is to say, the judges of the district composed of the city of Philadelphia and the county of Delaware shall meet in the city of Philadelphia; the judges of the district composed of the counties of Philadelphia and Bucks shall meet at the house of George Benner, in Bustleton, in the county of Philadelphia; the judges of the district composed of the counties of Chester and Montgomery shall meet at the house of Casper Fawnstock, in East Whiteland township, Chester county; the judges of the district composed of the counties of Berks, Northampton and Luzerne shall meet at the house of Jeremiah Trexler, in Macungy township, in the county of Northampton; the judges of the district composed of the counties of Lancaster and Dauphin shall meet at the house now occupied by Alexander Boggs, near Elizabethtown, in Lancaster county; the judges of the district composed of the counties of Northumberland, Bedford, Franklin, Huntingdon and Mifflin shall meet at Huntingdon; the judges of the district composed of the counties of York and Cumberland shall meet at the house now occupied by Daniel Carpenter, in Warrington township, in the county of York; the judges of the district composed of the counties of Westmoreland, Fayette, Washington and Allegheny shall meet at the house of Stephen Bayard, in Elizabethtown, in the township of Elizabeth, in the county of Allegheny, on the third Tuesday of October, respectively; and within the space of ten days after

the said election, the judges of each respective district, so convened, shall cause the said general return to be delivered to the sheriff of the county in which they shall be thus convened, and shall also cause a duplicate thereof, signed and sealed in the same manner, to be deposited in the office of the prothonotary of such county.

[Section V.] (Section V. P. L.) Be it enacted by the authority aforesaid, That such sheriff, having received the said general return, shall, within at least twenty days after the said election, deliver or safely transmit the same to the governor, who shall thereupon declare by proclamation, the name of the person to him returned as duly elected in each respective district; and shall thereafter, as soon as conveniently may be, transmit the said return to the speaker of the house of representatives of the United States.

Passed March 16, 1791. Recorded L. B. No. 4, p. 136, etc.

CHAPTER MDXXXIV.

A SUPPLEMENT TO AN ACT ENTITLED "AN ACT TO ENABLE THE OWNERS AND POSSESSORS OF MEADOW LAND, SITUATE IN THE PRECINCT OF RICHMOND, IN THE TOWNSHIP OF THE NORTHERN LIBERTIES, TO KEEP THE BANKS, DAMS, SLUICES AND FLOOD-GATES IN REPAIR."

Whereas the act, entitled "An act to enable the owners and possessors of meadow land, situate in the precinct of Richmond, in the township of the Northern Liberties to keep the bands, dams, sluices, and flood gates in repair,"¹ enacted the twenty-sixth day of September, one thousand seven hundred and eighty-nine, having no provision therein for an election to be held for the choice of managers and treasurer, on any other but a certain day, of which the treasurer is directed to give ten days' previous notice, and an omission for the choice of managers and treasurer, having already ensued, to the great

¹Passed September 24, 1789, Chapter 1444.

injury of the owners of said meadow land, and doubts concerning the validity of the said act having thereby arisen: For remedy whereof:

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the act, entitled "An act to enable the owners and possessors of meadow land, situate in the precinct of Richmond, in the township of the Northern Liberties, to keep the banks, dams, sluices and flood gates in repair," and every regulation, penalty, clause, matter, or thing therein contained (the alteration respecting the election herein made excepted) shall be in force, fully and effectually, as if no such omission or doubts had arisen.

[Section II.] (Section II. P. L.) And be it further enacted by the authority aforesaid, That provided the treasurer should omit calling an election for the choice of managers and treasurer, at the day and time mentioned in the said act, it shall and may be lawful for two or more owners of said meadow land, or the attorneys of said owners, duly constituted and appointed, to call an election, to be held (ten days' public notice being first given in two of the newspapers of the city of Philadelphia) on any succeeding day (Sunday excepted) for the purpose of choosing managers and a treasurer, the managers and treasurers, so chosen, to serve their respective offices until the first Monday in March thereafter next ensuing, or until others shall be chosen in their places, anything in the said act to the contrary notwithstanding.

Passed March 16, 1791. Recorded L. B. No. 4, p. 137.

CHAPTER MDXXXV.

AN ACT TO PROVIDE FOR THE TEMPORARY DEFENCE OF THE FRONTIERS OF THIS COMMONWEALTH.

Whereas it appears, by various well authenticated accounts from the western frontiers of this commonwealth, that they are

in imminent danger of being invaded by the Indian tribes now at war with the United States, and it is necessary that immediate and vigorous measures be taken to prevent their hostile incursions, and to provide for the security of the frontier inhabitants of this commonwealth: Therefore:

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the sum of four thousand pounds, to be paid out of the funds that are now or may be appropriated by law to defray the expenses of government, be and the same is hereby appropriated to make immediate provision for the defence of the frontiers of this commonwealth, until, in the opinion of the governor, the measures of the government of the United States shall give protection thereto.

[Section II.] (Section II. P. L.) And be it further enacted by the authority aforesaid, That the governor of this commonwealth is hereby authorized and empowered to draw orders upon the state treasurer, for the said sum of four thousand pounds, and to apply the same in such manner as he shall judge most proper for carrying into effect the purposes of this act.

Passed March 17, 1791. Recorded L. B. No. 4, p. 138.

CHAPTER MDXXXVI.

AN ACT TO COMPENSATE ROBERT KING.

(Section I. P. L.) Whereas it appears, by the petition of Robert King, that under the authority of the late supreme executive council, he carried the public dispatches to the Seneca nation, respecting the murder of two Indians on Pine creek, communicating to them a declaration of the resentment of this government against the supposed perpetrators of the murders, and that he exerted himself to bring the offenders to justice, through which he has suffered great loss, and for which he has not had full compensation.

[Section I.] (Section II. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the governor of this commonwealth be empowered, and he is hereby empowered, to draw an order on the treasurer, for the sum of one hundred thirty-nine pounds three shillings and ten pence, to be paid by him to Robert King, out of the funds appropriated for claims and improvements, as compensation for his services from the eighteenth day of July last until the third day of October following, in carrying the public dispatches, and for his exertions above mentioned.

[Section II.] (Section III. P. L.) And be it further enacted by the authority aforesaid, That the governor be empowered, and he is hereby empowered, to grant a patent to the said Robert King, and his heirs, forever, with a preamble, stating therein the services of the said Robert King, for which the said patent has issued, for a tract of land, situate in the ninth donation district, adjoining the south end of one of the tracts reserved for the use of this commonwealth and the east branch of French creek, to contain four hundred acres, and the usual allowance, to be surveyed in such manner and form, as that the breadth on French creek shall not exceed half the length or depth extending from said creek; and that the same be granted to him clear of all expense.

Passed March 21, 1791. Recorded L. B. No. 4, p. 139.

CHAPTER MDXXXVII.

A SUPPLEMENT TO AN ACT FOR PROVIDING PAYMENT TO DOCTOR FRANCIS ALISON AND OTHERS, FOR SUPPLIES FURNISHED IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND SEVENTY-FIVE.

Whereas doubts have arisen in the construction of an act of the legislature of this commonwealth, entitled "An act for providing payment to Doctor Francis Alison, and others, for sup-

plies furnished in the year one thousand seven hundred and seventy-five," (1) passed the eighteenth day of February, one thousand seven hundred and ninety-one, whether a power was invested in the register-general and comptroller-general of this commonwealth to settle the account of the late Doctor Benjamin Alison, deceased, as far as the same relates to the services rendered by him, in attending on several persons wounded in the service of the late province of Pennsylvania:

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the register-general of this state is hereby authorized and required to examine and settle the account of the said Doctor Francis Alison, surviving executor of his brother Doctor Benjamin Alison, for his attendance on the persons wounded in the execution of the orders given by John Penn, Esquire, late governor of Pennsylvania, dated the twenty-fifth day of November, one thousand seven hundred and seventy-five, allowing such a sum as shall appear to be just and equitable, and the same being examined and approved by the comptroller-general, and afterwards confirmed by the governor, a certificate shall thereupon be issued in favor of the said Doctor Francis Alison, to bear interest from the eighteenth day of February, one thousand seven hundred and ninety-one.

Passed March 21, 1791. Recorded L. B. No. 4, p. 140.

CHAPTER MDXXXVIII.

AN ACT TO SUSPEND, FOR A LIMITED TIME, THE POWERS OF THE COMMISSIONERS OF THE SEVERAL COUNTIES WITHIN THIS COMMONWEALTH TO MAKE SALE OF UNSEATED LANDS, FOR NON-PAYMENT OF TAXES.

Whereas the execution of the law, directing the sale of unseated lands for non-payment of taxes, will be at a time unfav-

¹Chapter 1527.

orable for travelling, and may become very injurious to the owners, unless the time of the said sales should be fixed at a more convenient season of the year: Therefore:

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the commissioners of the several counties of this commonwealth be, and they are hereby, restricted and prohibited from making sale of any unseated lands whatsoever in their respective counties, by reason of the non-payment of taxes, until the first day of August next, any law to the contrary notwithstanding.

[Section II.] (Section II. P. L.) And be it further enacted by the authority aforesaid, That after the first day of August next, the commissioners of the respective counties shall proceed to sell all such lands, the taxes on which shall not previously be paid, and all expenses that have accrued, or shall accrue, in advertising the said lands, shall, together with the taxes, be charged to the delinquent owner or owners, of which sales the commissioners shall give ten days' notice, in three or more of the most public places within the respective counties.

Passed March 24, 1791. Recorded L. B. No. 4, p. 141.

CHAPTER MDXXXIX.

AN ACT TO ESTABLISH A FERRY OVER SWATARA CREEK, NEAR THE TOWN OF WILLIAMSBURG, IN THE COUNTY OF DAUPHIN, AND FOR VESTING THE RIGHT IN CHRISTIAN SELTZER, HIS HEIRS AND ASSIGNS.

Whereas Christian Seltzer hath represented that he has for a number of years past, at a considerable expense, established and maintained a ferry over Swatara creek, on the main road leading from the borough of Reading, through the town of Williamsburg, in the county of Dauphin, and that a good and well-conducted ferry at that place would be a public benefit, and

prayed that his ferry may be established by law, and the right thereof vested in him, his heirs and assigns.

[Section I.] (Section I. P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for Christian Seltzer, his heirs and assigns, from and after the passing of this act, to make, or cause to be made, at his or their own proper cost or charge, good and convenient landings on both sides of the Swatara creek, on the main road leading from the borough of Reading, through the town of Williamsburg, in the county of Dauphin, and shall at all times hereafter maintain the same in good order and repair, fit for men, horses and carriages, to pass and re-pass, and further, Christian Seltzer, his heirs and assigns, shall provide and maintain a good and substantial boat or boats, and careful ferry-men, who shall duly and constantly, as occasion may require, attend, for the purpose of transporting travellers over the said creek, which ferry shall be subject to such rules, rates and regulations as the legislature in future may direct and appoint. Provided always, That nothing in this act contained shall be construed to vest in Christian Seltzer, his heirs and assigns, a right to land any boat or boats upon any landing belonging to any other person or persons, without their consent first had and obtained.

Passed March 28, 1791. Recorded L. B. No. 4, p. 141.

CHAPTER MDXL.

AN ACT TO ENABLE THE DIRECTORS OF THE LIBRARY COMPANY OF PHILADELPHIA TO CONVEY AND ASSURE THE LOT OF GROUND THEREIN MENTIONED.

Whereas it appears to the general assembly, That Thomas Penn and Richard Penn, Esquires, formerly proprietors of Pennsylvania, by their patent, bearing date the seventeenth

day of January, one thousand seven hundred and sixty, granted to the Library Company of Philadelphia, and their successors, a certain lot of ground, situated in the city of Philadelphia, between the eighth and ninth streets from Delaware, bounded northward by Chestnut street, eastward by a lot of ground, late of John Salkeld, southward and westward by vacant ground, containing in length, north and south, two hundred and fifty-five feet, and in breadth, east and west, sixty feet, for the purpose of erecting thereon a library, with other necessary, buildings and accommodations. And whereas a commodious building for the same purpose having since been erected, at the proper cost of the said library, in a more convenient situation, the directors of the said library company have, by a by-law, enacted, pursuant to their charter, on the first day of June, one thousand seven hundred and eighty-nine, been duly authorized to dispose of the real estate belonging to the said corporation, and appropriate the moneys arising therefrom towards defraying the expense of erecting the said building and though the descendants of the said Thomas Penn and Richard Penn have acquiesced in the sale of the above mentioned lot, for the purposes aforesaid, yet doubts have been entertained whether a sufficient title can be made to the purchaser or purchasers, and the directors of the said library company having by their petition prayed the aid of the legislature therein:

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the directors of the Library Company of Philadelphia, for the time being, and their successors in office, duly appointed, according to the charter and by-laws of the said corporation, shall be, and they are hereby, authorized and empowered to sell, and by deed or deeds under their common seal convey and assure, the lot of ground herein before described, with the appurtenances, as fully and effectually, as if no special trust or purpose had been set forth or declared in the grant thereof. Provided always, That nothing herein contained shall be deemed or construed to bar or defeat any other person or persons, bodies politic or corporate, of any

right or title, interest, claim or demand, which they may have in or to the said lot of ground, or any part thereof.

Passed March 30, 1791. Recorded L. B. No. 4, p. 142.

CHAPTER MDXLI.

AN ACT FOR ESTABLISHING A NIGHTLY WATCH, PROVIDING LAMPS, AND SUPPORTING PUMPS, FOR PUBLIC USE, AT A COMMON CHARGE, WITHIN A CERTAIN PART OF THE TOWNSHIP OF THE NORTHERN LIBERTIES OF THE CITY OF PHILADELPHIA.

Whereas the inhabitants of that part of the township of the Northern Liberties of the city of Philadelphia, which lies between the middle of Fourth street and the river Delaware, and between Vine street and Pegg's run, have, by their petition to the legislature, represented, that from the increase of population, buildings and improvements, great inconveniences are sustained, which are likely to increase, from the want of proper regulations in respect to lighting and watching their streets by night, and supporting, at a common charge, a suitable number of pumps, within the said division of the Northern Liberties:

[Section I.] (Section I. P. \L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in general Assembly met, and it is hereby enacted by the authority of the same, That the freeholders and taxable inhabitants of that part of the township of the Northern Liberties of the city of Philadelphia, which lies between the middle of Fourth street and the river Delaware, and between Vine street and Pegg's run, shall meet on the last Monday in April, at the house now occupied by John Stricker, and shall then and there elect, by majority of votes, two persons, to conduct the election to be then and there holden, of inspectors of the election hereinafter directed, and when the said assistants shall be so chosen, they shall proceed to hold an election by the ballot of the freeholders and taxable inhabitants of the said division of the township aforesaid, for two freeholders,

resident within the said division, to be inspectors as aforesaid, and the said election of inspectors shall be open at two of the clock in the afternoon, and at seven of the clock in the afternoon the poll shall be closed, the number of votes ascertained, and the persons highest in votes, publicly declared and certified by the said assistants, who shall, within twenty-four hours afterwards, give notice thereof in writing to the persons so elected inspectors, and the said inspectors shall, in the morning of the day hereafter appointed for holding an election of commissioners and a treasurer, take to their assistance three freeholders, inhabitants within the said division of the township aforesaid, to be judges of the said election, which judges and inspectors shall, for the purpose of holding such election, be vested with the like powers and authorities, as are vested by law in the judges and inspectors of the general elections of this commonwealth.

[Section II.] (Section II. P. L.) Be it enacted by the authority aforesaid, that the said judges and inspectors so appointed, shall, on the first Monday in May, at one of the clock, in the afternoon of the same day, at the house now occupied by John Stricker, open and hold an election, by the ballot of the freeholders and taxable inhabitants of the said division of the township aforesaid, for three discreet freeholders and inhabitants of the said division, to be commissioners, and one such freeholder and inhabitant to be treasurer, and the said election shall be closed at eight of the clock in the afternoon of the same day, when the votes shall be ascertained, and the persons highest in votes for the said offices, respectively, shall be publicly declared and certified and a certificate thereof, in writing, signed by the said judges and inspectors, shall be sent to such persons respectively, within twenty-four hours afterwards.

[Section III.] (Section III. P. L.) Be it enacted by the authority aforesaid, that one of the said commissioners shall serve for three years, one of them for two years, and one of them, and the treasurer, shall serve for one year, from the time of their being so elected; and the said commissioners shall, on the second Monday in May next, meet together at some con-

venient place, and then and there, by lot, determine which one of them shall serve for three years, which for two years, and which for one year, respectively, and having so determined, they shall certify the same, under their respective signatures, to the clerk of the court of quarter sessions for the county of Philadelphia, who shall file such certificate among the records of the said court.

[Section IV.] (Section IV. P. L.) Be it enacted by the authority aforesaid, That on the first Monday in May, annually, forever, the freeholders and taxable inhabitants shall in like manner elect, by ballot, one freeholder and inhabitant of the said division, to be commissioner, to serve for the space of three years, and three such freeholders and inhabitants, to be examiners of the accounts of the said commissioners, who shall serve for one year, and one such freeholder and inhabitant to be treasurer, to serve for one year, of which election ten days previous notice shall be given, by means of advertisements put up in the most public places of the said division, by the commissioners for the time being, and the election of inspectors shall be ten days before the election of commissioners and treasurer, the names of the persons elected commissioner, examiners and treasurer, shall be certified to the clerk of the court of quarter sessions for the said county by the judges and inspectors, to be filed among the records of the said court. In case of the death, resignation, or removal from the said division, of any of the said commissioners, or of the treasurer, the remaining commissioners shall, after giving public notice in manner aforesaid, cause an election to be holden in like manner to supply such vacancies.

[Section V.] (Section V. P. L.) Be it enacted by the authority aforesaid, That the said commissioners, or any two of them, shall have full power, and they are hereby required, to keep in repair at the common charge, such suitable number of pumps as now are, or hereafter may be fixed on the north side of Vine street, and in any of the highways, streets, lanes or alleys, within said limits, for the necessary accommodation of the inhabitants thereof; they shall also cause to be fixed and

disposed of, in as regular order as the crossings and intersections of the several highways, streets or alleys, will admit of, and in as beneficial a manner for the general and equal use and interest of the whole district as can be, such number of lamps on the north side of Vine street, and in all the public highways, streets or roads, within the limits before described, as may be necessary therein. Provided only so many lamps be fixed and disposed of, in order and manner as aforesaid, and maintained, from time to time, as they, from the present state and future progress of buildings and improvements, may judge necessary to apportion. They are also hereby authorized and empowered to contract with any person or persons for the lighting, trimming, supplying, maintaining and preserving the same, and likewise to employ such number of watchmen, at such reasonable wages, as shall be found necessary and proper.

[Section VI.] (Section VI. P. L.) Be it further enacted by the authority aforesaid, That the said commissioners, or a majority of them, shall have full power and authority to ascertain and prescribe the stands and number of rounds of the said watchmen, in and throughout all the public streets and highways, within the said division, to engage them for such length of time as shall be found expedient, and, in case of misbehavior, inability or neglect, to discharge them, and appoint others in their stead; and the said watchmen, respectively, shall use their best endeavors to prevent fires, murders, burglaries, robberies and other outrages and disorders, within the said limits, and to that end are hereby empowered and required to arrest and apprehend all suspicious persons, who shall be found wandering or misbehaving themselves, and shall take the person or persons so apprehended, as soon as conveniently may be, before some justice of the peace of the said county, to be examined, and dealt with according to law.

[Section VII.] (Section VII. P. L.) And whereas disputes and dissatisfactions may arise, touching the distributions or support of the lamps, watchmen or pumps, within said district: For remedy whereof: Be it enacted, and it is hereby enacted by the authority aforesaid, That upon application of any three freeholders of the said division to the general court of quarter

sessions of the county of Philadelphia, the justices of the said court shall nominate and appoint a jury, consisting of not less than three or more than five freeholders of the said county (not residing within said division) to review and consider the matters and things complained of, and to make report of their judgment thereon, which judgment, so reported, shall be binding on the commissioners aforesaid, and on all parties concerned.

[Section VIII.] (Section VIII. P. L.) Be it further enacted by the authority aforesaid, That any person or persons, who shall wilfully and maliciously break and carry away the handles of any of the public pumps within the said limits, or otherwise injure or damage the same, and shall be thereof legally convicted in the court of quarter sessions in and for the peace of the said county, shall, for the first offense, forfeit and pay the sum of three pounds for each pump so broken or damaged, and for the second, and every other offense, the sum of six pounds.

[Section IX.] (Section IX. P. L.) Be it further enacted by the authority aforesaid, That any person or persons, who shall wilfully or maliciously break, throw down or extinguish any lamp, hung out or set up to light any street, lane or alley, within the said limits, or shall wilfully or maliciously damage the post, iron or other furniture thereof, and shall be thereof convicted in any court of quarter sessions in and for the said county, shall forfeit and pay the sum of two pounds for each lamp so broken, thrown down, extinguished, or otherwise damaged, and for each post, iron, or other furniture thereof, so broken or damaged, and if any person or persons shall accidentally and undesignedly break, throw down or extinguish any of such lamps, or injure any such posts, iron or other furniture, and shall fail to give notice thereof to some one of the said commissioners, and pay the damages thereby incurred, within twenty-four hours from the time of doing such injury, every such person, so neglecting, shall forfeit double the sum of money necessary in the judgment of the said commissioners to repair the injury done.

[Section X.] (Section X. P. L.) Be it further enacted by the authority aforesaid, That for the purposes herein before

expressed, it shall and may be lawful for the said commissioners, or a majority of them, to lay a rate or rates in any one year, not exceeding five shillings in the hundred pound, on the value of the real and personal estates of the freeholders and inhabitants within the said limits, agreeably to the last assessment for raising county rates and levies, to be applied in conformity to the true intent and meaning of this act; which rate or rates shall be laid according to the best of their skill and judgment, and as near as may be to the county assessments, having due regard to every ratable estate within the said limits, without favor or affection to any person whatever.

[Section XI.] (Section XI. P. L.) Be it further enacted by the authority aforesaid, That if any person, so rated and assessed, shall refuse to pay the sum to him charged, and shall not enter an appeal to the next court of general quarter sessions, it shall and may be lawful for the collector of the said rate to levy the same on the goods and chattels of the person so refusing; and in case such person shall not, within three days after such distress made, pay the sum so on him assessed, with the charge of such distress, the said collector, having given six days previous notice thereof, by advertisements distributed and fixed up in the most conspicuous place, shall expose said goods in one of the most public parts of the said division, and sell the same to the highest bidder, rendering to the owner the overplus, if any shall be, after deduction of reasonable charges. Provided always, That it shall be lawful for the justices of the court of general quarter sessions of the said county, upon the petition of any person aggrieved by such rate or assessment, to make such order therein, as to them shall appear just, and the collector, in case of such appeal, shall forbear making distress, until the same be determined in the said court of general quarter sessions.

[Section XII.] (Section XII. P. L.) Be it further enacted by the authority aforesaid, That the goods of any tenant or person residing upon any lands or tenements, within the said limits, shall be liable to be so distrained and sold for the payment of the said rate; in which case it shall be lawful for such tenant to deduct out of his rent, so much as he shall be com-

pelled to pay on account of his landlord, or to recover the same by action, with costs of suit. Provided, That nothing herein contained shall extend to any agreement relative to the payment of taxes, made between any such landlord and tenant.

[Section XIII.] (Section XIII. P. L.) Be it further enacted by the authority aforesaid, That the said collector shall, at least once in three weeks, render a just and true account of, and bring in and pay to the treasurer, all such moneys as he shall have received, and shall pay the whole and every of the sums of money assessed in his duplicate, within three months next after the day of appeal, such deficiencies as the said commissioners, or a majority of them, shall allow being first deducted, and the treasurer shall, from time to time, signify in writing to the said commissioners such sums of money as he may so receive, but if any such collector shall refuse or neglect to pay the moneys which he shall be charged to collect, within the time herein before limited, he shall forfeit and pay to the treasurer the sum of two hundred pounds, and also all the arrearages of the rate he was appointed to collect, to be levied by a warrant, under the hands and seals of the said commissioners, directed to the sheriff of the county of Philadelphia, who is hereby authorized and empowered to execute such warrant upon the goods and chattels of such collector, or in case sufficient goods and chattels cannot be found, then to imprison such collector, until payment be made.

[Section XIV.] (Section XIV. P. L.) Be it further enacted by the authority aforesaid, That the said collector shall be appointed by the said commissioners, or a majority of them, from time to time; he shall be liable to be removed for misbehavior or neglect; he shall be allowed one shilling per pound upon all moneys by him collected and paid to the treasurer, pursuant to this act; and he shall give bond, with two sufficient sureties, to the said commissioners, in the sum of two hundred pounds, conditioned for the faithful performance of the duties of his office.

[Section XV.] (Section XV. P. L.) Be it further enacted by the authority aforesaid, That the said treasurer for the time

being, before he enters upon the execution of his office, shall give sufficient security to the said commissioners, in the sum of five hundred pounds, conditioned for the faithful performance of the duties of his office. He shall receive all moneys levied and raised by virtue of this act, and shall pay all accounts and demands certified to him by the said commissioners, or a majority of them, to be due on account of the objects committed to their care, and at the expiration of the term of his appointment, he shall pay the balance in his hands to his successor in office; and as a full compensation for his services, he shall be allowed at the rate of two pounds per centum upon all moneys received by him in virtue of his office.

[Section XVI.] (Section XVI. P. L.) Be it further enacted by the authority aforesaid, That the said commissioners, for the services required and enjoyed by this act, shall be paid by the said treasurer five shillings, respectively, for every day's attendance actually employed therein.

[Section XVII.] (Section XVII. P. L.) Be it further enacted by the authority aforesaid, That the said commissioners and treasurer, respectively, shall keep fair and regular books of account, which shall be at all times open to the inspection of any two or more freeholders or inhabitants within the said limits, and shall submit the same, with the proper vouchers, when so required, to the examiners herein before mentioned; and they shall also exhibit a statement of such accounts, with the reports of the examiners thereupon, annually, ten days before the day of the said annual elections, in two or more of the public newspapers, printed in the city of Philadelphia.

Passed March 30, 1791. Recorded L. B. No. 4, p. 143. See the Act of Assembly passed March 9, 1771, Chapter 636; March 12, 1800. Chapter 2128.

CHAPTER MDXLII.

AN ACT AUTHORIZING AND DIRECTING THE STATE TREASURER TO SUBSCRIBE, IN THE NAME OF THE COMMONWEALTH, TO THE LOAN PROPOSED BY THE UNITED STATES, AND FOR OTHER PURPOSES THEREIN MENTIONED.

Whereas from the dissolution of the supreme executive council and other causes, the directions of the act of assembly, entitled "An act to enforce the due collection of the revenues of the state and for other purposes therein mentioned," (1) have not been fully carried into effect, and the interest of the commonwealth requires that the certificates of debts due by the United States, belonging to this commonwealth, should be delivered to the state treasurer, without delay, in order that the same may be subscribed to the loan proposed by the act of the congress of the United States, entitled "An act making provision for the debt of the United States."

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the act of assembly, entitled "An act to enforce the due collection of the revenues of the state, and for other purposes therein mentioned," enacted the first day of April, one thousand seven hundred and ninety, as relates to the duties to be performed by two members of the supreme executive council, is hereby repealed, and the register-general, the comptroller-general, and the state treasurer are hereby authorized, enjoined and required, to proceed without delay in the examination of the certificates described in the said act of assembly, and in cancelling those which are thereby directed to be canceled; and the said comptroller-general shall, in the presence of the register-general, forthwith deliver those, which are thereby directed to be delivered to the state treasurer, in manner and form as is prescribed by the said act of assembly, save only so far as the same relates to the duties to be performed by such members of the supreme executive council.

¹Passed April 1, 1790, Chapter 1506.

[Section II.] (Section II. P. L.) Be it enacted by the authority aforesaid, That the state treasurer is hereby authorized and directed to subscribe, in the name of the Commonwealth of Pennsylvania, to the loan proposed by the act of congress of the United States, entitled "An act making provision for the debt of the United States," passed on the fourth day of August, one thousand seven hundred and ninety, all such certificates of debts due by the United States, including those certificates denominated facilities, or indents, which have already been delivered to him, or which shall hereafter be delivered to him in pursuance of the directions of the said act of Assembly, and of this act, and to do and perform whatever may be necessary for that purpose, according to the directions of this act; and he shall, at least once every month after making such subscriptions, report his proceedings herein, and settle his account of the certificates to him delivered by the comptroller-general, and by him subscribed, according to the directions of this act, in the same manner as is provided for the settlement of his annual accounts by the aforesaid act of assembly entitled, "An act to enforce the due collection of the revenues of the state, and for other purposes therein mentioned." (2)

[Section III.] (Section III. P. L.) And be it further enacted by the authority aforesaid, That the state treasurer is hereby authorized and enjoined, when he makes the subscription on the part of this commonwealth to the loan proposed by the United States, to receive new certificates in exchange for those he subscribes, in the following manner, that is to say; for every hundred thousand dollars of the six *per centum* stock created by said subscription, he shall receive three certificates of ten thousand dollars each, six certificates of five thousand dollars each, thirty-nine certificates of one thousand dollars each, and three certificates of three hundred and thirty-three dollars and one-third of a dollar each, and in the same proportion for any lesser sum, two-thirds of each denomination of said certificates to bear interest from the first day of January, one thousand seven hundred and ninety-one, and the other third to

²See Ante.

bear interest from and after the year one thousand eight hundred, according to the terms and conditions of the said loan; and for the three *per centum* stock created by said subscription, he shall receive certificates *caeteris paribus* in the same proportion as is herein provided for the six *per centum* stock.

[Section IV.] (Section IV. P. L.) Be it enacted by the authority aforesaid, That the capital stock thereby created shall remain subject only to the legislative acts of this commonwealth, and the state treasurer is hereby authorized and required to receive the interest thereof, as the same shall grow due.

Passed March 30, 1791. Recorded L. B. No. 4, p. 148. See the Act of Assembly passed April 5, 1792, Chapter 1630.

CHAPTER MDXLIII.

AN ACT TO PROVIDE A MORE EFFECTUAL METHOD OF SETTTLING THE PUBLIC ACCOUNTS OF THE COMMISSIONERS AND TREASURERS OF THE RESPECTIVE COUNTIES.

Whereas the mode of settling the public accounts of the commissioners of the respective counties, as directed by the act, entitled "A supplementary act to the act for raising county rates and levies," (1) passed the fifteenth day of August, one thousand seven hundred and thirty-two, had been found defective, and incompetent to the attainment of the good purposes intended by the legislature, so that in many instances the accounts of such commissioners have lain unexamined and unsettled for a series of years, which renders it expedient to establish some other method of satisfying the people, that the moneys levied upon them by the county commissioners are duly applied:

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the county court of common

¹ Chapter 330.

pleas of each respective county of this commonwealth is hereby enjoined and required, at the term after the first day of June next, to appoint three reputable freeholders, inhabitants of each county, respectively, to be auditors, to audit, settle, and adjust the public accounts of all such late and present treasurers and commissioners, respectively, as have not heretofore settled and adjusted their public accounts agreeably to the laws of this commonwealth; and shall annually thereafter, at such times as the said court shall think proper and right, appoint the like number of auditors, for the purposes aforesaid; each of which auditors, on refusing to accept the trust aforesaid, shall be liable to a penalty not exceeding fifty pounds, to be recovered of them by attachment for contempt, issuing out of such court of common pleas, which penalty, when recovered, shall be paid by the prothonotary of such court into the county treasury, for the use of the county where the said delinquent auditor shall reside.

[Section II.] (Section II. P. L.) Be it further enacted by the authority aforesaid, That such auditors appointed by virtue of this act, two of whom shall be a quorum, shall be, and they are hereby, authorized and empowered to cause by process of subpoena and attachment, directed to the sheriff or coroner of the county, to come before them, as well such persons as now are, or heretofore have been, or shall be, commissioners or treasurers of such county, or employed by or under such commissioners and treasurers, their respective executors or administrators, as all other persons whom it may be necessary to examine as witnesses, and also to compel in like manner the production of all books, papers, accounts and vouchers, relative to the said public accounts; provided no such subpoena be returnable in less than ten days after the date thereof.

[Section III.] (Section III. P. L.) Be it enacted by the authority aforesaid, That all such persons, appearing as witnesses before the said auditors, shall be examined upon oath or affirmation, to be administered by some justice of the peace of the county, in the presence of the said auditors; and every such person refusing to take such oath or affirmation, or refusing, when sworn or affirmed, to make answer to such questions as

shall be put to him by the said auditors concerning the said public accounts, or concerning the official conduct of the said commissioners or treasurers or any of them, may be committed, by a warrant issued under the hand and seal of such justice of the peace, to the common goal of the county, until he or she shall submit to be sworn or affirmed, or shall make answer to such questions, and all persons guilty of swearing or affirming falsely, in any evidence given before the said auditors, shall be liable to all the pains and penalties inflicted upon offenders guilty of perjury in any court of record in this state.

[Section IV.] (Section IV. P. L.) Be it enacted by the authority aforesaid, That if any person or persons in possession of such books, papers, accounts and vouchers, shall refuse, after being duly required, to produce the same, or if such commissioners and treasurers, their executors or administrators, shall refuse to attend and submit themselves to be examined, as is herein before directed, the said auditor may and shall proceed, from the examination of witnesses and other testimony, to ascertain and settle, as near as may be, the several sums of money received by such commissioners and treasurers, respectively, and the application thereof to public purposes or otherwise.

[Section V.] (Section V. P. L.) Be it enacted by the authority aforesaid, That the said auditors, having examined and settled the said accounts to the best of their skill and ability, shall report the same, with the respective balances due to or from such commissioners or treasurers, to the next county court of common pleas for such county, who shall thereupon cause such report and settlement to be filed among the records of the said court; and such report, from the time of being filed, shall have the effect of a judgement upon the lands, tenements and hereditaments, of such commissioners or treasurers, who shall thereby appear to be indebted; and if within sixty days after such report made and filed, the said commissioners and treasurers, their executors and administrators, or any of them, shall enter their appeal in the said court from the said settlement, or any part thereof, it shall be lawful for the court to direct an issue wherein the commonwealth shall be made plaintiff or defendant, as the case may require, to be tried by

the court of common pleas that the person or persons to be subpoenaed or attached under this act live not in the county where the cause is pending before such auditors, the said court shall have full power and authority to issue any subpoena or attachment into the counties where such person or persons shall so reside, and proceed against such person or persons, in as ample a manner as they may do in causes pending in such court against witnesses or others, who shall be compellable to attend in or be in contempt of such courts.

[Section XII.] (Section XII. P. L.) And be it further enacted by the authority aforesaid, That this act shall be read in a distinct and audible voice by the prothonotaries of each county court of common pleas, which may commence first after the first day of June next, during the sitting of such court, on three several days, in the court-house of said county.

[Section XII.] (Section XII. P. L.) And be it further enacted by the authority aforesaid, That this act shall be read in a distinct and audible voice by the prothonotaries of each county court of common pleas, which may commence first after the first day of June next, during the sitting of such court, on three several days, in the court-house of said county.

Passed March 30, 1791. Recorded L. B. No. 4, p. 149, etc. See the Acts of Assembly passed March 6, 1793, Chapter 1658; April 22, 1794, Chapter 1774; April 4, 1798, Chapter 2002; April 11, 1799, Chapter 2095.

CHAPTER MDXLIV.

AN ACT FOR THE BETTER ASCERTAINING OF THE BOUNDARY LINE BETWEEN THE COUNTIES OF HUNTINGDON AND MIFFLIN.

Whereas some dissatisfaction hath arisen, respecting the boundry line between the counties of Huntingdon and Mifflin, on the south side of the river Juniata, which was run in the year one thousand seven hundred and eighty-nine:

Therefore,

[Section I.] (Section I. P. L.) Be it enacted by the Senate and

House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the line described in the act, entitled "An act for erecting a part of the county of Cumberland into a separate county"(1), passed the ninth day of March one thousand seven hundred and seventy-one, shall be run by James Cunningham, David Stewart and John Oliver, Esquires, or any two of them, who are hereby authorized and empowered to run the same, which line, in the said act, is described as follows:

Beginning where the province line crosses the Tuscarora mountain, and running along the summit of that mountain to the Gap, near the head of the Path Valley; thence, with a north line to the Juniata, and the said line, from the said Gap to the Juniata, being run, shall be and remain the boundary line between the counties of Huntingdon and Mifflin, on the south side of the river Juniata. And until the said line shall be run as aforesaid, the line between the two counties aforesaid shall be and remain the same as that which divided Bedford county from Cumberland county. And the expenses of running the said line shall be paid by the treasurers of Huntingdon and Mifflin counties, equally, out of the county rates and levies of each county respectively.

Passed April 1, 1791. Recorded L. B. No. 4, p. 153, etc. See the Act of Assembly passed September 30, 1791, Chapter 1596.

CHAPTER MDXLV.

AN ACT TO SUSPEND, FOR THE TIME THEREIN MENTIONED, PART OF AN ACT ENTITLED, "AN ACT FOR FURNISHING THE QUOTA OF THIS STATE TOWARDS PAYING THE ANNUAL INTEREST OF THE DEBTS OF THE UNITED STATES, AND FOR FUNDING AND PAYING THE INTEREST OF THE PUBLIC DEBTS OF THIS STATE."

Whereas arrangements for the present year in the finances of this state have been made in such manner, as to render it unnecessary to levy and collect the tax directed to be levied and

¹Chapter 629.

collected in and by an act, entitled "An act for furnishing the quota of this state towards paying the annual interest of the debts of the United States, and for funding and paying rest of the public debts of this state."

[Section I.] (Section I. P. L.) Be it enacted The Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the act, entitled "An act for furnishing the quota of this state towards paying the annual interest of the debts of the United States, and for funding and paying the interest of the public debts of this state," (1) enacted the sixteenth day of March, one thousand seven hundred and eighty-five, as requires the commissioners of the city and county of Philadelphia, and of the several counties of this state, to issue their respective warrants, as directed by the said act, and the assessors of or in the city of Philadelphia and of the several respective counties, to make return of property, as is therein directed, or as requires an assessment appointment or collection of the said tax to be made for the present year in the city of Philadelphia, or in any of the counties aforesaid, shall be, and is hereby suspended until the first day of January, in the year one thousand seven hundred and ninety-two. Provided always, That nothing herein contained shall be deemed or taken to extend to prevent the collection of the arrearages of taxes due on the thirty-first day of December, one thousand seven hundred and ninety, or to prevent the said commissioners and assessors or other persons duly authorized, from assessing, levying and collecting county rates and levies, taxes for the relief of the poor, or for opening and keeping in repair roads and highways.

[Section II.] (Section II. P. L.) Be it enacted by the authority aforesaid, That if any part of the before mentioned tax shall have been, or shall be, levied and collected for the present year, in consequence of the operation of the before mentioned funding act, the treasurers or collectors of the city of Philadelphia, and of the several counties of this commonwealth, are hereby enjoined and required to return on the application of the in-

¹Chapter 1137.

dividual having so paid the same, or their legal representatives, the several sums from them respectively received of such tax; all expenses that have arisen by assessing or collecting the same, whole or in part, shall be paid out of the county stock, in the manner as is provided for by the act aforesaid.

Passed April 6, 1791. Recorded L. B. No. 4, p. 154, etc.

CHAPTER MDXLVI.

AN ACT REPEALING SO MUCH OF THE ACT, ENTITLED "AN ACT FOR RAISING AND COLLECTING MONEY ON THE SPECIFIED ARTICLES THEREIN MENTIONED, FOR THE SUPPORT OF GOVERNMENT, AND FOR OTHER PURPOSES THEREIN MENTIONED," AS IMPOSES A TAX UPON WRITS ISSUING OUT OF THE COUNTY COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY.

Whereas, by the act, entitled "An act for raising and collecting money on the specified articles therein mentioned, for the support of government, and for other purposes therein mentioned," (1) enacted on the twentieth day of March, one thousand seven hundred and eighty-three, a tax of five shillings and seven pence was imposed upon every writ whether original or judicial, mesne process, or any writ which shall be issued in the course of any action (subpoenas for witnesses and writs in behalf of this commonwealth, only excepted) to be paid by the prothonotary of the county of Philadelphia, out of the fees of his office. And whereas, since the passing of the said act, from various causes, the profits of the said office are much reduced.

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the act, entitled "An act for raising and collecting money on the specified articles therein mentioned, for the support of government and for other purposes therein mentioned," as imposes a tax on writs

¹ Chapter 1018.

issuing out of the said county court of common pleas for the county of Philadelphia, be, and the same is hereby repealed.

Passed April 6, 1791. Recorded L. B. No. 4, p. 154, etc.

CHAPTER MDXLVII.

AN ACT TO CONFER ON CERTAIN ASSOCIATIONS OF THE CITIZENS OF THIS COMMONWEALTH THE POWERS AND IMMUNITIES OF CORPORATIONS, OR BODIES POLITIC IN LAW.

Whereas a great portion of the time of the legislature has heretofore been employed in enacting laws to incorporate private associations and it would not only be more advantageous to the public, but also convenient to individuals who are desirous of being so incorporated, that the same might lawfully be effected, without an immediate application in all cases to the general assembly of the commonwealth: Therefore:

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That when any number of persons, citizens of this commonwealth are associated, or mean to associate for any literary, charitable, or for any religious purpose, and shall be desirous to acquire and enjoy the powers and immunities of a corporation, or body politic in law, it shall and may be lawful for such persons to prepare an instrument in writing, therein specifying the objects, articles, conditions, and name, style or title, under which they have associated, or mean to associate, and the same to exhibit and present to the attorney general of the commonwealth, for the time being, who is hereby required thereupon to peruse and examine the said instrument, and after such perusal and examination, to transmit it, with a certificate, thereon indorsed, testifying his opinion touching the lawfulness of the objects, articles and conditions, therein set forth and contained, unto the supreme court of this commonwealth; and the said court is hereby also required thereupon to peruse and examine the said instrument, and to

transmit it, with a certificate, thereon indorsed, testifying also the opinion of the said court touching the lawfulness of the objects, articles and conditions, therein set forth and contained, unto the governor of the commonwealth, and if the said attorney-general and the said court shall certify their opinion as aforesaid, to be, that the objects, articles and conditions, in such instrument set forth and contained are lawful, then the said governor (but not otherwise) shall transmit the same to the master of the rolls, with an order, thereon indorsed, requiring him to enroll the same, at the expense of the applicants; and upon the enrollment thereof, the persons so associated, or meaning to associate, shall, according to the objects, articles and conditions, in the said instrument set forth and contained, become and be a corporation or body politic in law and in fact, to have continuance, by the name, style and title, in such instrument provided and declared.

[Section II.] (Section II. P. L.) And be it enacted by the authority aforesaid, That as often as the corporations established by virtue of this act, and the successors thereof, respectively, shall be desirous of improving, amending or altering the articles and conditions of the instrument, upon which the said corporations, respectively, are as aforesaid formed and established, it shall and may be lawful for such corporation, respectively, in like manner to specify the improvements, amendments or alterations, which are or shall be desired, and the same to exhibit and present to the attorney-general and supreme court, who shall in like manner, successively certify their opinion to the governor of this commonwealth, touching the lawfulness of such improvements, amendments and alterations, and the same being certified as aforesaid, to be lawful, shall in like manner be directed by the governor to be enrolled by the master of the rolls, at the expense of the applicants, and upon enrollment thereof, shall be taken and deemed to be a part of the instrument, upon which such corporations, respectively, were formed and established, to all intents and purposes, as if the same had originally been made a part thereof.

[Section III.] (Section III. P. L.) And be it enacted by the authority aforesaid, That the corporations established by virtue

of this act and the successors thereof, respectively, shall have full power and authority to make, have and use one common seal, with such device and inscription, as they shall respectively deem proper, and the same to break, alter and renew at their pleasure; and by the name, style and title, by them respectively provided and declared as aforesaid, shall be able and capable in law to sue and be sued, plead and be impleaded, in any court or courts, before any judge or judges, justice or justices, in all manner of suits, complaints, pleas, causes, matters and demands, whatsoever, and all and every matter or thing therein to do, in as full and effectual a manner as any other person or persons, bodies politic and corporate, within this commonwealth, may or can do; and shall be authorized and empowered, and they are hereby respectively authorized and empowered, to make rules, by-laws and ordinances, and to do everything needful for the good government and support of the affairs of the said corporations respectively. Provided, always, That the said by-laws, rules and ordinances, or any of them, be not repugnant to the constitution and laws of the United States, to the constitution and laws of this commonwealth, or to the instrument upon which the said corporations, respectively, are as aforesaid formed and established.

[Section IV.] (Section IV. P. L.) Be it enacted by the authority aforesaid, That the corporations established by virtue of this act, and the successors thereof, respectively, by the name, style and title, by them respectively provided and declared, as aforesaid, shall be able and capable in law, according to the terms and conditions of the instrument, upon which the said corporations, respectively, are as aforesaid formed and established, to take, receive and hold all and all manner of lands, tenements, rents, annuities, franchises and hereditaments, and any sum and sums of money and any manner and portion of goods and chattels, given and bequeathed unto them, respectively, to be employed and disposed of according to the objects, articles and conditions of the instrument, upon which said corporations, respectively, are as aforesaid formed and established, or according to the articles and by-laws of the said corporations, respectively, or of the will and intention of the

donors. Provided always, nevertheless, That the clear yearly value or income of the messuages, houses, lands and tenements, rents, annuities or other hereditaments, and real estate of the said corporations, respectively, and the interest of money by them respectively lent, shall not exceed the sum of five hundred pounds.

[Section V.] (Section V. P. L.) And whereas bequests and legacies may be made to public institutions, of which such institutions may not derive the benefits intended, from a want of due information: Therefore:

[Section V.] Be it enacted by the authority aforesaid, That when any last will and testament is brought to be recorded in any of the register's offices of this state, which shall contain any bequest or legacy to a public corporate body, the register is hereby enjoined and required, that, within six months, he shall make known by letter addressed to the corporate body in whose favor such bequest or legacy is made, the nature and amount of the same, together with the names of the executors of such last will and testament.

Passed April 6, 1791. Recorded L. B. No. 4, p. 156.

CHAPTER MDXLVIII.

AN ACT FOR THE RELIEF OF BLACKALL WILLIAM BALL.

Whereas it hath been represented by Blackall William Ball, late a lieutenant in the line of this state belonging to the armies of the United States, that he has lost a certificate, number ninety-four, for the sum of two hundred and twenty pounds, twelve shillings and seven pence, given to him for the depreciation due on his pay. And whereas it is just and right that the commonwealth should not be benefited by the accidental misfortune of individuals:

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Penn-

sylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That upon sufficient security being given by the said Blackall William Ball, for the use of the state, to the secretary of the commonwealth, and approved by the governor to indemnify the commonwealth against the said certificate, and on the same being duly certified to the comptroller-general, the said comptroller shall, and he is hereby authorized and directed to certify, in favor of the said Blackall William Ball, or his legal representatives, to the state treasurer, the interest accrued, and to accrue, on the said sum of two hundred and twenty pounds, twelve shilling and seven pence, up to the time the first certificate of interest shall be made on the said sum of money; and from the date of such certificate, yearly and every year to certify the interest that may thereafter accrue on the said sum, which said respective certificates of the comptroller-general for the time being, so to be made, of the interest as aforesaid, shall be sufficient authority to the state treasurer for the time being to pay the same respectively, to the said Blackall William Ball, or his legal representatives, and the treasurer aforesaid is hereby enjoined and required to pay the same accordingly.

[Section II.] (Section II. P. L.) And be it further enacted by the authority aforesaid, That the said interest money so to be paid to the said Blackall William Ball, or his legal representatives, shall, as often as it shall be so paid, be deemed and taken, and it is hereby declared to be to the same uses as he held the said certificate immediately before the loss thereof; and the said Blackall William Ball, and such his legal representatives, who may receive such interest money, shall be accountable to the person or persons, respectively, who had any legal or equitable interest in the said certificate, for his or their proportional parts of such interest money.

Passed April 6, 1791. Recorded L. B. No. 4, p. 158. The Act in the text was repealed by the Act of Assembly passed March 5, 1794, Chapter 1717.

CHAPTER MDXLIX.

AN ACT FOR ERECTING THE REMAINDER OF SHAUCHAN'S AND PART OF BENTLY'S DISTRICT, IN WASHINGTON COUNTY, INTO A SEPARATE ELECTION DISTRICT.

Whereas the freeman within the remainder of Shauchan's election district, and part of Bently's, or the second district of Washington county, have represented by their petitions, that it is inconvenient for them to attend at the house of John Hill, at the general election.

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the freemen within that part of Shauchan's district, beginning on the river Monongahela, thence along the line of Allegheny and Washington counties, to the boundary of the fourth district, thence along the boundary of the fourth district to the head of Peter's creek, thence, by the boundary of Washington district, to the road leading from the town of Washington to Swearingen's upper ferry, thence, along said road to the road leading to Chester's ferry on the river Monongahela, thence down said river to the place of beginning, to hold their general and other elections, at the present dwelling house of David Hamilton.

Passed April 6, 1791. Recorded L. B. No. 4, p. 159.

CHAPTER MDL.

AN ACT TO ENABLE ELEAZER OSWALD, GUARDIAN, DULY APPOINTED, TO JANE JONES, BLAITHWAITE JONES, MARY JONES, AND GIBBS JONES, MINORS UNDER THE AGE OF TWENTY-ONE YEARS, TO SELL AND CONVEY THE PROPERTY THEREIN MENTIONED FOR THE BENEFIT OF THE SAID MINORS.

Whereas it is represented to the legislature that Jane Jones, Blaithwaite Jones, Mary Jones and Gibbs Jones, all of the city of Philadelphia, minors under the age of twenty-one years, are entitled to one undivided sixth part of and in a messuage and lot of ground, situate on the east side of Water street, between Arch and Race streets, in the said city, containing in breadth about twenty feet and extending in depth eastward to the river Delaware, bounded eastward by the said river Delaware, southward by ground of Leonard Shallcross, westward by Water street aforesaid, and northward by ground of James Fisher, and that, by reason of the nonage of the said minors, the said one-sixth part of and in the said messuage and lot of ground cannot be sold or disposed of, to the great disadvantage of the said minors, who at present have no means of support.

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Eleazer Oswald shall have full power and authority to make sale of the sixth part of the messuage or lot of ground aforesaid, for the maintenance of the said minors, putting them apprentices, and teaching them to read and write, as the orphans' court of the county of Philadelphia shall think fit to order, allow and direct, from time to time, subject, nevertheless, to such rules and regulations, and on such terms and conditions, as are by the laws of this commonwealth provided respecting the sale of lands by administrators for the purpose aforesaid. Provided always, nevertheless, That nothing herein contained shall bar or in anywise effect the

rights of any person or persons other than those of the minors herein mentioned.

Passed April 6, 1791. Recorded L. B. No. 4, p. 160. See the Act of Assembly passed January 24, 1792, Chapter 1604.

CHAPTER MDLI.

AN ACT TO VEST IN TRUSTEES, FOR THE USE OF THE SOCIETY OF PEOPLE CALLED QUAKERS, CERTAIN LOTS OF GROUND THEREIN MENTIONED.

Whereas John Songhurst, Samuel Richardson and Anthony Morris, being seized in their demesne, as of fee, of and in a certain lot of ground, with the appurtenances situate on the west side of Front street, northward of Mulberry street, whereon was erected a brick building commonly called the Bank meeting house, did, by indenture, dated the twentieth day of the second month in the year of our Lord, one thousand seven hundred and two, grant, bargain, sell, convey, and assure the same to Samuel Carpenter, John Kinsey, John Parsons, William Hudson, Pentecost Teague and Isaac Norris and their heirs as joint tenants in fee. And whereas the said Samuel Carpenter, John Kinsey, William Hudson, Pentecost Teague and Isaac Norris, by deed, under their hands and seals, duly executed, dated the twenty-second day of the month and year aforesaid, did confess, acknowledge and declare, that the said Bank meeting house and lot with the appurtenances was so conveyed to them, as trustees, in trust for the use of the monthly meeting of Philadelphia of the religious society of people called Quakers, and did covenant and promise that they and the survivors of them and his heirs should and would hold and dispose thereof for the use aforesaid, and in such manner as the said monthly meeting, from time to time, should order, direct and appoint. And whereas the monthly meeting of Philadelphia has since been divided into three districts, called the monthly meeting of Philadelphia, the monthly meeting of Philadelphia for the

northern district, and the monthly meeting of Philadelphia for the southern district, and the real estate belonging to the said monthly meeting or meetings is, for the most part, vested in twelve trustees, appointed by the said meetings, who manage and dispose of the same, under the direction of the same monthly meetings, but the said Samuel Carpenter, John Kinsey, John Parsons, William Hudson, Pentecost Teague and Isaac Norris are all long since deceased, without having conveyed the said bank meeting house and lot to new trustees, and the said Samuel Carpenter having died beyond the sea, it is uncertain whether he or the said William Hudson, were the longest liver of the said trustees, and if he were the longest liver, his heirs reside beyond sea, and are not members of the said society: And whereas the said society have lately purchased a lot of ground in the northern part of the city of Philadelphia, and have thereon erected a more commodious meeting-house for the use of the inhabitants of the northern district, and are desirous to sell and dispose of the said Bank meeting house and lot: And whereas William Penn, the first proprietary of Pennsylvania, by his patent, under the great seal of the late province, bearing date the eighteenth day of October, 1701, did grant and convey two certain lots of ground, situate on the southeast corner of Mulberry and Fourth streets, with the appurtenances, to Edward Shippen and the said Samuel Carpenter, as joint tenants, in fee, in trust to the use and behoof of the people called Quakers in Philadelphia, for a burying place, and upon this further trust and confidence that the said Edward Shippen and Samuel Carpenter, and their heirs, should, from time to time, forever thereafter, transfer and make over the said two lots or pieces of ground or any part or parcel thereof, to such uses, intents and purposes, as the monthly meeting of the said people at Philadelphia should, at any time thereafter, direct and appoint as by the said patent, recorded in the rolls-office at Philadelphia, in patent book A. volume II., page 196, &c., fully appears; but the said Edward Shippen and Samuel Carpenter both died without conveying the said lots to new trustees, and it is not certainly known which of them survived the other, and the same have always hitherto been used by the said society as

a place for burying their dead, and are commonly called the Quakers' burial ground: And the said society having requested the aid of the legislature to vest the said lots in their present trustees. Therefore:

[Section I.] Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the said lot of ground, commonly called and known by the name of the Bank meeting house lot, and the said lots of ground, commonly called the Quakers' burial ground, and each of them and every part thereof, as the same are respectively butted, bounded and described in the conveyances and assurances aforesaid, with the appurtenances, be, and the same are, by force of this act, vested in Samuel Sansom, John Field, Joshua Cresson and John Drinker, trustees, appointed by the monthly meeting of Philadelphia, Henry Drinker, Samuel Hopkins, Isaac Cathrall, and Thomas Scattergood, trustees appointed by the monthly meeting of Philadelphia, for the northern district, and Nicholas Waln, James Bringhurst, Thomas Fisher and Samuel Coates, trustees, appointed by the monthly meeting of Philadelphia for the southern district, and the survivors and survivor of them and the heirs and assigns of them, and the survivors and survivor of them forever; in trust, nevertheless, to and for the use of the religious society of people called Quakers, belonging to the three monthly meetings of Philadelphia, aforesaid, and to be disposed of in such manner and form, for such estate and estates, and to such person and persons as the said three monthly meetings of the said people held in Philadelphia, by minutes of their said meetings certified by their clerks, shall order, direct and appoint; and in the meantime, until such disposition shall be ordered, the said lots and premises shall be held by the said trustees, and the survivors and survivor of them and his heirs, for the same uses, and in the same manner and form as the said recited former trustees held the same.

Passed April 6, 1791. Recorded L. B. No. 4, p. 160, etc.

CHAPTER MDLII.

AN ACT FOR THE RELIEF OF ABRAHAM LUKENS.

Whereas John Fox, late of the city of Philadelphia, cutler, having been attainted of high treason against this commonwealth, his estate became thereby forfeited to the use of the commonwealth, and in pursuance of the acts of assembly in such case made and provided, hath been disposed of at public sale; and, whereas it hath been represented to the legislature that the said John Fox was, at the time of his being so attainted, indebted, by bond, to a certain Elizabeth Jones, then a minor, that the bond was deposited without the knowledge of the said Elizabeth Jones, her guardians or friends among the records of the orphans' court for the county of Philadelphia, from which circumstance no claim for the said debt was preferred within the time limited by law, and that the said Elizabeth Jones, having since intermarried with Robert Lukens, the said bond has been by them, for a valuable consideration, assigned to Abraham Lukens, of the township of Horsham, in the county of Montgomery; and whereas, the said Abraham Lukens hath prayed the legislature to grant him relief in the premises, and it is just and reasonable that his petition should be granted.

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in general assembly met, and it is hereby enacted by the authority of the same, That it shall be lawful for the said Abraham Lukens, or his executors and administrators, to prefer to the judges of the supreme court a claim against the commonwealth, for the moneys due to him as assignee of the said Robert Lukens and Elizabeth, his wife, from the estate of the said John Fox, and that the like proceedings shall be had, as in and by the several acts of assembly of this common-

wealth are made and provided, in case of debts due from persons attainted of high treason. Provided, That such claim be preferred within twelve months from and after the passing of this act.

Passed April 7, 1791. Recorded L. B. No. 4, p. 163.

CHAPTER MDLIII.

AN ACT FOR THE RELIEF OF JAMES OFFICER.

Whereas a petition, on behalf of James Officer, hath been presented to the legislature, setting forth that two certificates, each of them for the sum of nine pounds, one of them numbered five thousand and eighty-four, the other of them numbered six thousand four hundred and ninety, issued in pursuance of certain acts of the general assembly by the comptroller-general to the said James Officer, on account of his services in the militia of the county of Cumberland, have been casually destroyed by fire, and praying that the said certificates may be renewed: And whereas it is unreasonable that the public, having received the consideration, should derive advantage from private calamity, by refusing to renew the acknowledgment of the debt.

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the comptroller-general shall be, and he is hereby authorized and required to issue two certificates, in favor of the said James Officer, for the same sums of money and of the same tenor and date, respectively, with those hereinbefore mentioned. Provided always, That before any such certificates shall be issued, due proof shall be made to the said comptroller-general, by one or more creditable witnesses, that the certificates hereinbefore mentioned were, as is alleged, casually destroyed by fire.

Passed April 7, 1791. Recorded L. B. No. 4, p. 164.

CHAPTER MDLIV.

AN ACT AUTHORIZING THE GOVERNOR TO NEGOTIATE A LOAN, FOR THE USE OF THIS COMMONWEALTH, AND APPROPRIATING CERTAIN FUNDS AND REVENUES FOR THE SUPPORT OF GOVERNMENT, AND THE PAYMENT OF THE PUBLIC DEBTS.

Whereas the funds and revenues of this commonwealth, although eventually adequate to every necessary object, cannot, in due season, be made sufficiently productive to defray the unavoidable expenses of government, and to discharge the debts and obligations heretofore incurred upon the public faith; and whereas it appears to the legislature that a salutary anticipation of the general revenues and resources of the commonwealth may be effected, by means of a loan from the president, directors and company of the Bank of North America. Therefore:

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor be, and he is hereby empowered and enjoined to negotiate, for the use of the commonwealth, a loan of money with the Bank of North America not exceeding sixty thousand pounds, at the rate of six per cent. interest for the term of one year, for the punctual repayment and liquidation of which loan the faith of the commonwealth is hereby solemnly pledged; and as an additional security to the bank for the due discharge of this public obligation, the governor is hereby authorized to deposit with the president, directors and company of the Bank of North America an amount in certificates of the United States (the property of this commonwealth) which shall be equal in value at the rate current of similar certificates at the time of negotiating said loan, to the sum borrowed from the bank; and the state treasurer is hereby directed, on requisition of the governor, to transfer, on the books of the register of the treasury of the United

States, in the manner and form prescribed, the amount of the stock so stipulated to be pledged and to deliver the evidences of the said transfer to the governor, who shall deposit them, in trust with the president, directors and company of the Bank of North America, and shall take from them a receipt, specifying the particular uses and purposes of the said deposit and transfer; which receipt shall be registered in the books of the office of the register-general, and afterwards lodged, for safe keeping, in the rolls-office.

(Section II. P. L.) And in order to make a just, certain and regular appropriation of the funds and revenues of this commonwealth, for defraying the unavoidable expenses of government, and for discharging the public debts and obligations.

[Section II.] Be it further enacted by the authority aforesaid, That each and every sum and sums of money, received by means of the loan herein before authorized to be raised for the use of this commonwealth, together with all moneys due, or to grow due, for interest upon the certificates of the United States, which are the property of this state, other than the interest arising upon such of the said certificates as shall be deposited for the purpose of accomplishing the said loan as aforesaid, and such thereof as are or shall be by law appropriated for discharging the interest due, and to grow due, on the legislative grant to the late proprietaries, all moneys payable on account of the principal and interest of the sum and sums of moneys issued upon loan, by virtue of an act of Assembly, entitled "An act for erecting and opening a loan office for the sum of fifty thousand pounds," (1) enacted on the fourth day of April, in the year of our Lord, one thousand seven hundred and eighty-five, all moneys arising from fees payable in the land-office, all moneys arising from fees payable in the office of the secretary of the commonwealth, all moneys arising from the excise, all moneys arising from every other public tax, duty or imposition whatsoever (except as is hereinafter by proviso specially excepted), and all moneys payable for arrears of any public tax, duty or imposition whatsoever, excepting always such payments as shall be made in bills of credit, emitted by virtue of

¹Chapter 1159.

the act of assembly, enacted on the sixteenth day of March in the year of our Lord, one thousand seven hundred and eighty-five, shall be and the same are hereby appropriated as one aggregate fund, towards payment, satisfaction and discharge of the following expenses, debts and obligations of this commonwealth, which expenses, debts and obligations shall be paid by the treasurer according to the order and priority in which the same are hereafter respectively mentioned and set forth, that is to say; in the first place, to pay the expenses of government; secondly, to pay all warrants drawn by the late president and supreme executive council, other than warrants drawn in favor of the late proprietaries; thirdly, to pay all warrants that have been or may be drawn by the governor for satisfying claims and demands against the commonwealth, founded upon any act or acts of assembly or upon any resolution or resolutions of the legislature, enacted and entered into before the meeting of the present session of the general assembly; fourthly, to pay all warrants which shall be drawn, by virtue of any law passed during the present session of the general assembly, in order to supply the deficiencies of former appropriations, or which shall be drawn for discharging the Indian expenses and satisfying the grant allowed and made by an act, entitled "An act for granting eight hundred dollars to Corn-Planter, Half-Town and Big-Tree, Seneca chiefs, in trust for the Seneca nation, and for other purposes therein mentioned," (2); fifthly, to pay the balance due upon account of the emission of bills of credit, commonly called island money; sixthly, to pay the balance due on account of the certificates, commonly called interest notes; seventhly, to pay the arrears of interest which were due on the first day of January last, upon the certificates issued for supplies furnished or services rendered, commonly called funded debt; eighthly, to pay the interest which shall be due on the tenth of April instant, upon the certificates of this state, commonly called funded depreciation debt; ninthly, to pay the arrearages of interest due on the new loan certificates; and tenthly, after paying and satisfying all and every of the preceding expenses, debts and obligations, the surplus of the said

²Passed February 1, 1791, Chapter 1525.

funds and revenues shall be applied to pay the sum and sums of money due and payable on account of the said loan, hereinbefore authorized to be raised for the use of this commonwealth, then to pay the balance of interest which shall be due on the first of January next, upon all funded certificates issued by and under the authority of this state; and finally, to pay all warrants hereafter to be drawn for claims and improvements, by virtue of any law or laws of this commonwealth. Provided always, That the funds and revenues heretofore by law especially appropriated, for redeeming the several emissions of bills of credit, commonly called dollar money, and shilling money, shall be and remain appropriated for that purpose, exclusively until the same is fully and completely accomplished, anything herein contained to the contrary notwithstanding; but it is the true intent and meaning of this act that upon the full and complete accomplishment of the said redemption of the said last mentioned bills of credit, the said funds and revenue, so especially appropriated, shall forthwith become and be a part of the aggregate fund hereinbefore described, for the purposes aforesaid.

(Section III. P. L.) And whereas the loan hereinbefore authorized to be raised for the use of this commonwealth, and the gradual accumulation of the public revenues, must eventually render it unnecessary to pursue the injurious and impolitic expedient, of re-issuing such bills of credit as have been or shall be paid into the treasury, and which ought, agreeably to the faith of the legislature, to be taken out of circulation and destroyed, and any delay in paying the said arrears of interest due on the certificates of this state, commonly called new-loan certificates might tend to obstruct the arrangements which this commonwealth shall deem it proper to make for the purpose of subscribing to the loan proposed by congress in an act, entitled "An act making provision for the debts of the United States": Therefore:

[Section III.] Be it further enacted by the authority aforesaid, that, from and after the passing of this act, it shall not be lawful for the treasurer to reissue (and he is hereby expressly

prohibited from so doing) any sum or sums of money which shall then have been, or which at any time after may be, paid into the treasury of this commonwealth, in any of the emissions of the bills of credit heretofore by law emitted, upon any other pretence or account, than for the sole and exclusive purpose of paying such of the arrears of interest due on the certificates of this state, commonly called new loan certificates, as may be demanded by the holders thereof, which arrears he is hereby authorized and directed to pay in the bills of credit emitted by virtue of the act, enacted on the sixteenth of March, one thousand seven hundred and eighty-five, until the same be fully paid and satisfied according to law.

(Section IV. P. L.) And whereas full provision is made by this act for the redemption of the bills of credit, commonly called island money, and of the certificates, commonly called interest notes; and whereas sufficient time has already been allowed for the same, and it is proper and expedient that some limitation of the period for said redemption should be ascertained and fixed: Therefore:

[Section IV.] Be it further enacted by the authority aforesaid, that all the said bills of credit, commonly called island money, and all the said certificates, commonly called interest notes which shall not be brought into the treasury, and redeemed, as by this act is provided, on or before the first day of January, one thousand seven hundred and ninety-three, shall not afterwards be redeemed, but the same shall be, and are hereby declared to be from thenceforth, irredeemable, anything in any act or acts of the legislature to the contrary notwithstanding.

[Section V.] (Section V. P. L.) And be it further enacted by the authority aforesaid, That so much of every law of this commonwealth as is contrary to the provisions of this act, and no further, is hereby repealed, annulled and made void.

Passed April 7, 1791. Recorded L. B. No. 4, p. 164, etc. See the Acts of Assembly passed April 9, 1791, Chapter 1559; April 13, 1791, Chapter 1563; April 13, 1791, Chapter 1569; April 10, 1792; Chapter 1646.

CHAPTER MDLV.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR THE BETTER SUPPORT OF THE PUBLIC CREDIT, BY AN IMMEDIATE SALE OF THE LANDS THEREIN MENTIONED, AND FULLY SECURING THE PURCHASERS THEREOF IN THEIR TITLES, AND ALSO FOR PRESERVING THE COMMON LANDS, APPURTENANT TO THE CITY OF PHILADELPHIA AND OTHER TOWNS IN THIS STATE, FROM UNWARRANTABLE ENCROACHMENTS."

Whereas by the dissolution of the late supreme executive council, the powers vested in them by the act, entitled "An act for the better support of the public credit, by an immediate sale of the lands therein mentioned, and fully securing the purchasers thereof in their titles, and also for preserving the common lands, appurtenant to the city of Philadelphia and other towns in this state, from unwarrantable encroachments," (1) enacted the tenth day of April, one thousand seven hundred and eighty-one cannot be executed, and it is necessary for certain purposes, to revive those powers, and to make such provision as the alteration of circumstances by the sale of the city lots therein mentioned, hath rendered proper.

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That all the powers and authorities vested by the act, entitled "An act for the better support of the public credit by an immediate sale of the lands therein mentioned and fully securing the purchasers thereof in their titles, and also for preserving the common lands, appurtenant to the city of Philadelphia and other towns in the state from unwarrantable encroachments," in the late president, or vice-president, and supreme executive council of this commonwealth, relative to the claims depending before the said council

¹ Chapter 942.

at the time of their dissolution, and all powers and authorities necessary to carry into effect the decisions of that board on the forementioned subject, be, and the same powers and authorities are hereby, revived, continued and vested in the judges of the supreme court of this commonwealth in as full and ample a manner as the same were exercised and enjoyed by the said late president, or vice-president in council; and the said supreme court is hereby fully authorized and empowered to hear and determine all claims for city lots, agreeably to the directions of the act herein recited, which were depending or made at the time of the dissolution of the said supreme executive council, taking cognizance thereof and proceeding therein to as full effect as the said president or vice-president in council could have done; and in case equivalents in lots for the whole, or any part of claims, cannot be had, owing to the lots which by law should have been assigned to those entitled thereto being sold by the commonwealth, the said court shall order a writ or writs to be formed by the prothonotary of the said court, in the name of the commonwealth directed to the sheriff of the county of Philadelphia, commanding him to cause a jury of twelve lawful men of his bailiwick to be empanelled, and sworn, or affirmed, who shall proceed to value the lot or lots sold by the commonwealth, and claimed by the party adjudged to be entitled thereto, and to return their said valuation to the said court, who shall certify the same to the governor, and in case of partial equivalent having been given, by virtue of the decree or order of the late president or vice-president in council, and a balance shall appear to be due for which no equivalent in lots hath been obtained, the said judges shall certify the amount of such balance to the governor or in case a lot or lots assigned by any jury in virtue of the act herein before recited, shall appear to the said judges on due examination had, not to have been within the power of the state to grant, or cause to be assigned, as an equivalent in the whole, or in part, then the court on being duly satisfied of the value of the said lot or lots so improperly assigned, shall certify to the governor the amount of the value of such lot or lots, and the governor shall cause the amount of said valuation first mentioned, that of the balance

before stated, or the value of the lot or lots so improperly assigned, to be entered in the books of the register-general and comptroller-general, and certificates shall thereupon be issued for the amount of the sum or sums respectively certified to be entered as aforesaid, in favor of the party or parties entitled thereto, which certificates shall bear interest from their respective dates. Provided, always, nevertheless, That nothing herein contained shall be constructed to admit any claims to city lots, which were barred by the act to which this is a supplement.

[Section II.] (Section II. P. L.) Be it enacted by the authority aforesaid, where petitions have been preferred to the late executive council, for the determination of claims to city lots within the time limited in the said act, on which petitions no decision or determination has been pronounced by the said executive council, the said judges shall proceed to hear and determine on such claims and petitions, and their judgment shall be final, either to award possession to the claimants, or to decree in favor of the commonwealth, as to the said judges shall appear just and equitable.

Passed April 8, 1791. Recorded L. B. No. 4, p. 168, etc.

CHAPTER MDLVI.

AN ACT TO PROVIDE PAYMENT OF CERTAIN INCIDENTAL EXPENSES OF THE LATE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, AND OF THE LATE CONVENTION OF THE SAME

Whereas by the sudden dissolution of the late general assembly of this commonwealth, certain demands, heretofore arising from transacting the business thereof, have unavoidably remained unpaid. And whereas it is right and just that demands incurred by reason of moneys paid, or services rendered, by those in the employ of the late general assembly, or of the late convention of this commonwealth, should be paid and discharged.

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor of this commonwealth be, and he is hereby empowered to draw warrants on the treasurer of this commonwealth, in favor of the persons following, for the several sums of money annexed to their respective names, viz.:

To Thomas Bradford, for printing bills and laws, under the late constitution of this commonwealth, the sum of one hundred and ninety-two pounds, five shillings and six pence.

To Hall and Sellers, for printing the minutes of the late general assembly, the sum of one hundred and seventy-one pounds seven shillings and six pence.

To Eleazer Oswald, for printing bills for the same, and for newspapers furnished by him, the sum of fourteen pounds seven shillings and six pence.

To Andrew Brown, for newspapers furnished the same, and printing bills, the sum of fifteen pounds six shillings and six pence.

To Daniel Humphreys, for newspapers furnished the same, six pounds ten shillings.

To Michael Billmeyer, for printing the minutes of the same in the German language, and for printing the minutes of the late convention and the constitution of this commonwealth in the German language, the sum of two hundred and eighty-seven pounds eight shillings and two pence.

To Melchior Steiner, for printing bills in the German language, the sum of thirty-six pounds fifteen shillings and nine pence.

To Peter Zachary Lloyd, the clerk of the said late general assembly, for extra services rendered in the recesses of the said general assembly and for divers sums of money paid by him for stationery, and other incidental expenses of the legislature, the sum of one hundred and thirty-one pounds nineteen shillings and nine pence.

To Jacob Shallus, for extra services, by him rendered the late general assembly, the sum of one hundred and nineteen pounds thirteen shillings and four pence.

To James Martin, for his extra services, performed as sergeant-at-arms to the said late general assembly, the sum of fifteen pounds.

To Joseph Fry, for his extra services, performed as door-keeper to the said late general assembly, the sum of fifteen pounds.

Which warrants shall be paid by the said treasurer out of the funds appropriated for the support of government; and which warrants, when paid by the treasurer out of the funds aforesaid, shall be available to him, in the settlement of his accounts with the commonwealth, for the sum or sums therein expressed.

Passed April 8, 1791. Recorded L. B. No. 4, p. 170, etc.

CHAPTER MDLVII.

AN ACT TO GRANT FIVE THOUSAND ACRES OF LAND TO THE SOCIETY OF THE UNITED BRETHREN, FOR PROPAGATING THE GOSPEL AMONG THE HEATHEN.

Whereas the propagation of the gospel, and the erecting and supporting schools among the Indian nations of America, are of the first importance to the citizens of this and other of the United States, and may, by the blessing of God, be conducive to the peace and security of the inhabitants and settlers of our frontiers, and by living examples of the missionaries and converts, the savages may be induced to turn their minds to the Christian religion, industry and social life with the citizens of the United States; and whereas the United Brethren have sent missionaries and schoolmasters to the Indian nations, and without intermission have continued their labors among them since the year one thousand seven hundred and forty, and notwithstanding the increase of expenses and other difficulties, are resolved to pursue and support this commendable work, and for this purpose have formed a society, the directors and other members whereof are incorporated by a law of this common-

wealth, enacted the twenty-seventh day of February, one thousand seven hundred and eighty-eight, and made a body politic, under the name of "The Society of the United Brethern, for propagating the gospel among the heathen;" and whereas the said society have represented to the legislature, that they have no other fund than the charitable contributions of the members of their church, to accomplish their desire in that blessed work; and whereas the sending and maintaining preachers and schoolmasters, and providing books for the better educating, instructing and civilizing the children of the converts and others among the nations who shall be desirous to commit their youth to the care and instruction of the said missionaries are very expensive, which have induced the society to pray for public aid; and whereas the legislature of this commonwealth is disposed to encourage all pious and charitable institutions:

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the quantity of five thousand acres of land together with six per centum allowance for roads, to be located, set out and surveyed, be, and they are hereby, granted to the directors of the said society for propagating the gospel among the heathen, to have and to hold the same to them, and their successors forever; and the said quantity of five thousand acres of land shall be located, set out and surveyed in two tracts, one tract of two thousand five hundred acres on the river Conneought, near the northwestern corner of the state, and one tract of two thousand five hundred acres on the heads of French creek.

[Section II.] (Section II. P. L.) Be it enacted by the authority aforesaid, That upon the application of said directors, or any person duly authorized by them, to the secretary of the land-office of this commonwealth, he shall grant and issue such and so many warrants, to be directed to the surveyor-general of this commonwealth, requiring him to survey, or cause to be surveyed, for the directors of said society, such and so many tracts of land, with such number of acres in each warrant, in

such places before mentioned, not already appropriated by law or reserved by the commonwealth, nor before located and surveyed by or for private persons, as shall amount to the said quantity of five thousand acres, and the usual allowance and no more; and that the surveyor-general shall receive and enter all such warrants in his office, and issue copies thereof directed to his deputies in the different counties and districts within the commonwealth, and the said deputies shall execute the same, and make returns thereof, and thereupon such proceedings shall be had, and patents, or grants of confirmation for the same, shall be granted and issued to the directors of said society, in the same manner and form, having the like force and effect, as the like proceedings and patents have been and are conducted and granted, in case of private persons making applications for and taking up lands under the laws of this commonwealth, in such case made and provided.

[Section III.] (Section III. P. L.) Be it further enacted by the authority aforesaid, That all and every the tract and tracts of land hereby directed to be surveyed, for the use of said society, shall be so done at the charge of this commonwealth, and the governor is hereby authorized and empowered to draw warrants on the state treasurer, to pay and defray all the charges arising thereon.

Passed April 9, 1791. Recorded L. B. No. 4, p. 172, etc.

CHAPTER MDLVIII.

AN ACT TO SEPARATE THE TOWNSHIP OF MOYAMENSING, IN THE COUNTY OF PHILADELPHIA, FROM THE CITY OF PHILADELPHIA, THE DISTRICT OF SOUTHWARK, AND THE TOWNSHIP OF THE NORTHERN LIBERTIES, IN THE SAID COUNTY, FOR THE SUPPORT AND MAINTENANCE OF THEIR POOR IN COMMON.

Whereas it hath been represented by the freeholders and inhabitants of the township of Moyamensing, in the county of Philadelphia, that they are subjected to very heavy taxes for

the support of the poor, in common with the city of Philadelphia, the district of Southwark, and township of the Northern Liberties, by reason of the number of paupers coming to the city of Philadelphia by land and water, and thereby gaining a residence therein, far more than they in justice ought to pay, and praying they may be separated therefrom, and authorized to support their own poor within their township; and whereas their request appears to be just and reasonable:

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the act, entitled "An act for the better employment of the poor of the city of Philadelphia, the district of Southwark, the townships of Moyamensing, Passyunk and Northern Liberties," (1) passed the eighth day of February, one thousand seven hundred and sixty-six, as incorporates the township of Moyamensing with the city of Philadelphia, the district of Southwark, and the townships of Passyunk and Northern Liberties, is hereby repealed, and made null and void. Provided always, That nothing in this act contained shall be so construed, as to prevent the recovery of the poor tax assessed for the present year, or the arrears of any tax or taxes, which have been assessed by the existing laws of this commonwealth on the said township of Moyamensing, but that the same shall and may be collected and received under the same laws, in as full and ample a manner as if the present act had never been passed, and that the taxes and arrears of taxes, when received, shall be appropriated, under the act aforesaid, passed February the eighth, one thousand seven hundred and sixty-six.

Passed April 9, 1791. Recorded L. B. No. 4, p. 174.

¹ Chapter 534.

CHAPTER MDLIX.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT AUTHORIZING THE GOVERNOR TO NEGOTIATE A LOAN, FOR THE USE OF THIS COMMONWEALTH, AND APPROPRIATING CERTAIN FUNDS AND REVENUES FOR THE SUPPORT OF GOVERNMENT, AND THE PAYMENT OF THE PUBLIC DEBTS."

Whereas doubts have arisen concerning the construction of the first section of the act, entitled "An act authorizing the governor to negotiate a loan for the use of this commonwealth, and appropriating certain funds and revenues for the support of government, and the payment of the public debts," (1) passed during the present session of the general assembly, and it is necessary the true meaning and intent of the said act should be more fully explained:

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the state treasurer be, and he is hereby directed and enjoined, whenever he shall be required so to do by the governor, to make a transfer of stock of the United States, mentioned in the first section of the above recited act, to the president, directors and company of the Bank of North America, which transfer, as well as the deposit mentioned in the same section of the above recited act, shall be pledged as a security for the punctual repayment of the loan obtained from the Bank of North America, by virtue of the said act, and shall be subject to all the terms, limitations and conditions upon which the said loan shall have been negotiated by the governor.

Passed April 9, 1791. Recorded L. B. No. 4, p. 175, etc.

¹ Chapter 1554.

CHAPTER MDLX.

AN ACT GRANTING RELIEF TO CERTAIN CREDITORS OF THE STATE AND FOR REPEALING PART OF AN ACT, ENTITLED "AN ACT FOR FURNISHING THE QUOTA OF THIS STATE TOWARD PAYING THE ANNUAL INTEREST OF THE DEBTS OF THE UNITED STATES, AND FOR FUNDING AND PAYING THE INTEREST OF THE PUBLIC DEBTS OF THIS STATE."¹

Whereas congress by an act, entitled "An act making provision for the debts of the United States," passed on the fourth day of August, in the year of our Lord, one thousand seven hundred and ninety, have proposed among other things, to receive on loan certain certificates, issued by the several states to their respective creditors; and whereas a compliance with the above proposition will greatly benefit this commonwealth, promote the plans of the general government, and facilitate the settlement and liquidation of the accounts depending between Pennsylvania and the United States. In order, therefore, to induce the creditors of this state to subscribe to the said loan, and at the same time to preserve the faith and honor of the commonwealth, by indemnifying them for the injury which they may sustain in consequence of such subscription.

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That every creditor of this state who shall subscribe to the said loan, proposed by congress as aforesaid, a certificate or certificates, whereon interest is by law payable annually at the public treasury of Pennsylvania, shall, besides the certificate or certificates which such creditor is thereupon entitled to have and receive from the United States, in pursuance of the said recited act of congress, be also entitled to have and receive from the comptroller-general and register-general, or other proper officers, who are by law authorized to issue certificates for claims against the common-

¹Passed March 16, 1785, Chapter 1135.

wealth, certificates supporting that the state stands pledged, from the first of January next, to pay six per cent. interest, annually, on that part of the subscribed debt which is termed the deferred debt, until the United States shall make provision for the payment of the said interest, and also that the state stands further pledged to pay an additional interest of three per cent. annually, from the first day of January next, on that part of the subscribed debt which bears an interest of three per cent., which said three per cent. shall continue to be paid, half yearly, by the state treasurer, unless the United States shall at any time, hereafter, increase the rate of interest of the said three per cent. stock; in which case the interest to be paid by the state shall be proportionately reduced, and the said six per cent. interest on that part termed the deferred debt, shall continue to be paid, half yearly, until the United States shall provide for the payment of the interest on the said deferred debt; and the said last mentioned certificate or certificates the said comptroller and register-general, or other proper officers aforesaid, are hereby authorized and directed to issue in like form and manner as other public certificates are issued, upon the application of every such creditor, and satisfactory proof being given, that the subscription to the said loan, proposed by congress as aforesaid, has been made and effected according to the provisions, true intent and meaning of this act.

[Section II.] (Section II. P. L.) And be it further enacted by the authority aforesaid, That the interest, which, after the said first day of January next, shall grow due upon such certificates as may be issued in pursuance of this act, and on such original certificates of this state, whereon interest is payable annually at the public treasury, but which are not, by the terms prescribed by the loan proposed by congress, subscribable to the said loan, proposed as aforesaid, shall be paid, half yearly, by the treasurer of this commonwealth, out of the moneys accruing to the commonwealth by virtue of the seventeenth section of the said recited act of congress.

(Section III. P. L.) And in order to facilitate the subscriptions to the said loan and to prevent the creditors of this state being barred from subscribing thereto, by the limitation prescribed by congress.



[Section III.] Be it further enacted by the authority aforesaid, That it shall be lawful for the treasurer and he is hereby required upon the application of every holder or holders of a certificate or certificates, whereon interest is by law payable annually at the public treasury, to enter the name or names of such holders or holders in a fair book (by the said treasurer for that use to be kept), together with the amount of interest, due or to grow due, until the said first day of January next, on such certificate or certificates which shall be presented to him for the purpose of making the said entry as aforesaid; and having made the said entry in the said book, the said treasurer shall endorse upon such certificate or certificates, that the interest thereon respectively arising hath been satisfied until the said first day of January next, and shall thereupon return the same to the respective holders thereof, to be subscribed to the said loan as aforesaid, and the said treasurer is hereby further authorized and required to pay unto the holder or holders of such certificate or certificates, or to his or their respective order or orders, the sum or sums of money, which by the said entries shall appear to be due to them respectively, at the same time, and in the same manner, which are prescribed for the payment of interest upon certificates of a similar description not presented to him to be entered as aforesaid, in and by an act, entitled "An act authorizing the governor to negotiate a loan, for the use of this commonwealth, and appropriating certain this state," and of every other act or acts of assembly now in funds and revenues for the support of government and the payment of the public debts." (2)

[Section IV.] (Section IV. P. L.) Be it enacted by the authority aforesaid, That so much of the act of assembly, entitled "An act for furnishing the quota of this state towards paying the annual interest of the debts of the United States, and for funding and paying the interest of the public debts of this state," (3) and of every other act or acts of assembly, now in force, as authorizes and directs the commissioners and assessors in the several counties of this state to assess, levy and col-

²Passed April 7, 1791, Chapter 1554.

³See Ante.

lect the tax of seventy-six thousand nine hundred and forty-five pounds seventeen shillings and six pence, yearly and every year, shall be, and the same is hereby, repealed. Provided always, That nothing herein contained shall be deemed or taken to extend to prevent the collection of the arrearages of taxes due on the thirty-first day of December, one thousand seven hundred and ninety, or to prevent the said commissioners and assessors, or other persons, duly authorized, from assessing, levying and collecting county rates and levies, taxes for the relief of the poor, or for opening and keeping in repair roads and highways.

Passed April 9, 1791. Recorded L. B. No. 4, p. 175, etc. See the Act of Assembly passed April 3, 1792, Chapter 1622.

CHAPTER MDLXI

AN ACT FOR ERECTING THE TOWNSHIPS OF UNION AND WAYNE, IN THE COUNTY OF MIFFLIN, INTO SEPARATE ELECTION DISTRICTS, AND FOR ALTERING THE PLACE FOR HOLDING THE FIFTH ELECTION DISTRICT IN THE COUNTY OF NORTHUMBERLAND.

Whereas it has been found extremely inconvenient for the freemen of Union and Wayne townships, in the county of Mifflin, to attend at Lewistown for the purpose of holding their annual elections, as the law directs: For remedy thereof:

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the township of Union in the county of Mifflin, be, and the same is hereby, erected into a new and separate district; and the freemen of said township of Union shall hereafter meet at the house now occupied by Captain Hugh McLelen, in the said township of Union, for the purpose of holding elections for members of general assembly, and other elective officers for said county of Mifflin, conformably to the constitution and laws of this commonwealth.

[Section II.] (Section II. P. L.) And be it further enacted by the authority aforesaid, That the township of Wayne, in the

said county of Mifflin, be, and the same is hereby erected into a new and separate district; and the freemen of said township of Wayne shall hereafter meet at the house now occupied by Edward Johnston, in the said township of Wayne, for the purpose of holding elections for members of general assembly, and other elective officers for said county of Mifflin, conformably to the constitution and laws of this commonwealth.

(Section III. P. L.) And whereas, by an act of the general assembly, passed on the nineteenth day of September, one thousand seven hundred and eighty-six, the freemen of Potter's township in the county of Northumberland, were enabled to hold their annual election at the house of George McCormick, in the township aforesaid, and be called the fifth district in the county aforesaid; and whereas, by an act of the general assembly, passed the nineteenth day of September, one thousand seven hundred and eighty-nine, entitled "An act for erecting certain parts of Cumberland and Northumberland counties into a separate county," (1) one-half of the space included in the said district is now in the county of Mifflin, and as the remaining inhabitants by their petition to a former House, requested that the place of holding their annual election may be removed to Aaronsburgh.

[Section III.] Be it therefore enacted by the authority aforesaid, That the freemen in the said fifth election district in the county of Northumberland shall, from and after the passing hereof, hold their annual elections at the house of Aaron Levy, in the town of Aaronsburg, anything in a former law to the contrary notwithstanding.

Passed April 9, 1791. Recorded L. B. No. 4, p. 178, etc. See the Act of Assembly passed April 3, 1794, Chapter 1727.

¹ Chapter 1436.

CHAPTER MDLXII.

AN ACT MAKING PROVISION FOR THE DISCHARGE OF THE LEGISLATIVE GRANTS TO THE LATE PROPRIETARIES OF PENNSYLVANIA.

Whereas by an act of Assembly, entitled "An act for vesting the estate of the late proprietaries of Pennsylvania in this commonwealth," (1) which was enacted the twenty-seventh day of November, one thousand seven hundred and seventy-nine, the sum of one hundred and thirty thousand pounds, sterling, was granted to the devisees and legatees of Thomas Penn and Richard Penn, respectively, and to the widow and relict of Thomas Penn, to be paid to them by certain instalments as is therein mentioned, and by an act of assembly, entitled "An act to make more effectual provision for the payment of one hundred and thirty thousand pounds sterling granted to the late proprietaries of Pennsylvania, by an act, entitled "An act for vesting the estates of the late proprietaries of Pennsylvania in this commonwealth and for allowing interest on the several instalments thereof, from the times they have fallen and shall fall due until actual payment thereof," (2) which was enacted the twenty-eighth day of March, one thousand seven hundred and eighty-seven, the supreme executive council were empowered to issue their warrants in favor of John Penn, the younger, and John Penn, Esquire, as well for such instalments as were then due, as for those which should hereafter become due, and the treasurer was directed to pay, as well the warrants which should be issued in pursuance of the said act, as the warrants which, prior to enacting the same, had already been issued, and it was further declared, that interest, at the rate of six per centum per annum should be paid on all and every the instalments of the said sum of one hundred and thirty thousand pounds, sterling, as they re-

¹ Chapter 874.

² Chapter 1284.

spectively become due; and whereas, notwithstanding the great desire of the legislature to discharge the said grant, considerable arrearages still remain unpaid, and it is therefore expedient to make immediate and effectual provision for paying the interest thereof, as it shall accrue and for finally discharging the principal, upon terms satisfactory to said John Penn, the younger, and John Penn, Esquire, and honorable to the state.

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That a sum of the six per cent. stock which will be created by the subscription to the loan proposed by the United States, equal to the sum, which, upon the settlement of the claim of John Penn, the younger, and John Penn, Esquire, shall appear to have been due to them upon the first day of January last, is hereby appropriated for the payment and discharge of the same.

[Section II.] (Section II. P. L.) And be it further enacted by the authority aforesaid, That whenever application shall be made to the governor, by the holders of such warrants as have been drawn on the state treasurer by the supreme executive council in favor of the said John Penn, the younger, and John Penn, Esquire, in part payment of their claim, the governor, upon the said warrants being delivered to him, shall cause the same to be canceled in his presence, and transmitted to the register-general, in order that proper entries thereof may be made in the books of his office, and shall draw a warrant or warrants on the state treasurer, for the full amount of the warrant or warrants thus canceled, in favor of the holder or holders of the same.

[Section III.] (Section III. P. L.) Be it further enacted by the authority aforesaid, That whenever John Penn, the younger, and John Penn, Esquire, or their agent or agents duly empowered, shall apply to the governor for the payment of the balance of their demand, as settled according to the first section of this act (for which warrants have not already been issued by the supreme executive council) the governor shall draw a warrant or warrants on the state treasurer for the full

amount thereof, after the same shall have been stated and certified by the register-general and been duly examined by the comptroller-general.

[Section IV.] (Section IV. P. L.) And be it further enacted by the authority aforesaid, That the state treasurer is hereby authorized and enjoined to pay the warrants drawn by the governor, by virtue of the two preceding sections, out of the six per cent. stock, that by the first section of this act is appropriated for the said purpose, in manner and form as is prescribed by the treasury of the United States, for the transfer of stock, taking proper receipts as vouchers for the payment thereof, which shall be deposited in the roll's office after having been previously entered in the books of the office of the register-general.

[Section V.] (Section V. P. L.) And be it further enacted by the authority aforesaid, That a further sum of the six per cent. stock (which will be created by the subscription to the loan proposed by the United States to the domestic creditors) equal to one-seventh part of the total amount of the warrants which may be drawn on the state treasurer by the governor, by virtue of the second and third sections of this act, is hereby appropriated for the use of the person or persons who shall have received the said warrants, and the governor for the time being shall draw a warrant or warrants upon the state treasurer in favor of such person or persons, for a sum or sums equal to one-seventh part of the sum or sums which such person or persons, respectively, shall have received in the said six per cent. stock, by virtue of the fourth section of this act, and the state treasurer for the time being is hereby authorized and enjoined to pay the warrant or warrants, drawn by the governor by virtue of this section, out of the six per cent. stock, appropriated by this section, in the same manner and form as he is directed to do by the fourth section of this act.

[Section VI.] (Section VI. P. L.) And be it further enacted by the authority aforesaid, That a further sum of the above mentioned six per cent. stock, equal to the amount of the two last instalments of the legislative grant to the said John Penn, the younger, and John Penn, Esquire, (which instalments are

payable on the third day of September, one thousand seven hundred and ninety-one, and on the third day of September one thousand seven hundred and ninety-two) is hereby appropriated for the payment and discharge of the said instalments; and whenever, John Penn, the younger, and John Penn, Esquire, or their agent or agents duly empowered, shall apply to the governor for the payment of the same, the governor shall draw a warrant or warrants on the state treasurer for the amount which shall appear to be due on said instalments, after deducting from the same the discount at the rate of six per-cent. per annum from the time of making such application to the dates upon which said instalments are payable, respectively (said amount being previously stated and certified by the register-general and duly examined by the comptroller-general), which warrant or warrants the state treasurer is hereby authorized and enjoined to pay out of the six per cent. stock by creditors, as shall be sufficient to discharge the said balance, this section appropriated for the same purpose, in the same manner and form he is directed to do by the fourth section of this act. Provided always, That if upon a final settlement of the balance of the said two last instalments, there shall not be as much of the said six per cent. stock remaining, the property of this state, as will discharge the same, then and in that case, the governor shall draw warrants on the state treasurer for as much of the three per cent. stock, which shall be created by the loan proposed by the United States to the domestic estimating two hundred pounds in the three per cent. stock equal to one hundred and ten pounds in gold or silver, which said three per cent. stock is hereby appropriated for that purpose, and the state treasurer is authorized and enjoined to pay the warrant or warrants drawn by the governor, by virtue of this section, out of the three per cent. stock appropriated as aforesaid, in the same manner and form as he is directed to do by the fourth section of this act.

[Section VII.] (Section VII. P. L.) Be it further enacted by the authority aforesaid, That the allowance in this act granted of one seventh part of the several sums mentioned in the fifth section of this act shall be void, unless the said John

Penn, the younger, and John Penn, Esquire, or their agents or other persons holding or possessing any of the warrants recited in the second section of this act, shall severally apply for, and consent to receive the said six per cent. stock, as full payment for the balance due on the first of January last, and for the warrants aforesaid, within six months from and after the passing of this act.

[Section VIII.] (Section VIII. P. L.) Be it enacted by the authority aforesaid, That until John Penn, the younger, and John Penn, Esquire, or their agent or agents duly empowered, shall apply for the principal sum of their claim made payable in the stock of the United States, it shall be lawful for the governor, on application duly made to him, after the same shall have been stated and certified by the register-general and duly examined by the comptroller-general, to pass his warrants, from time to time on the state treasurer, in their favor, respectively, for the amount of the interest that shall have accrued or shall accrue from the first of January, last, on that part of said claim which shall appear to be due at the time of making such application, and the state treasurer is hereby authorized and required, out of the moneys to be received from the United States, quarter yearly, for interest arising on the funded stock of this state, to pay the same, taking acknowledgment for the said payment in the manner prescribed in the foregoing section.

Passed April 9, 1791. Recorded L. B. No. 4, p. 179, etc.

CHAPTER MDLXIII.

AN ACT TO SUPPLY THE DEFICIENCIES IN CERTAIN APPROPRIATIONS HERETOFORE MADE, AND FOR OTHER PURPOSES THEREIN MENTIONED.

Whereas it is expedient and just, that provision should be made for supplying the deficiencies in such appropriations, as have proved inadequate to the accomplishment of the public objects for which they were respectively designed by the legis-

lature, and also for fulfilling any engagements that have heretofore been entered into by the votes or resolutions of the late general assembly of this commonwealth; and whereas in and by an act, entitled "An act authorizing the governor to negotiate a loan for the use of this commonwealth, and appropriating certain funds and revenues for the support of government and the payment of the public debts," (1) provision is made (among other things), for the payment of all warrants which shall be drawn by virtue of any law passed during the present session of the general assembly, in order to supply the deficiencies of former appropriations: Therefore:

[Section I.] (Section I. P. L.) Be it further enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the said provision in the said recited act contained shall be construed, taken and deemed, to extend to and include the warrants hereinafter mentioned, which warrants the governor is hereby authorized and directed to draw upon the treasury, for the several sums hereinafter specified, and in favor of the persons respectively to whom the said several sums are or shall be due and payable; that is to say; a warrant or warrants for the sum of eight hundred and eleven pounds, five shillings and eight pence, to discharge the balance of moneys payable to the commissioners appointed to view and explore certain rivers and streams of this state. A warrant for the sum of twenty-six pounds ten shillings and nine pence to discharge the balance of moneys payable to Evan Owen, for completing a road between the river Susquehanna and the river Lehigh, commonly called the Nescopeck road. A warrant for the sum of seventy pounds twelve shillings and six pence to discharge the balance of moneys payable to Robert Galbraith, for opening a road from Frankstown to Conemaugh. A warrant or warrants for the sum of twelve hundred pounds in whole in order to enable the governor to carry into effect the design of an act, entitled "An act to make provision for repairs of Mud Island," (2) which sum of

¹ Passed April 7, 1791, Chapter 1554.

² Passed April 2, 1790, Chapter 1507.

twelve hundred pounds shall be, and is hereby declared to be, in lieu of all sums heretofore by the said last recited act, or any other act, appropriated for making repairs at the said Mud Island. A warrant or warrants for a sum not exceeding one hundred and twenty pounds, for making repairs to the wharf near the state hospital on State Island. A warrant or warrants for a sum not exceeding two thousand two hundred and seventy-one pounds three shillings and seven pence in the whole, in order to discharge all moneys payable for the price of a lot of ground and the expense of building a powder magazine thereon, agreeably to a resolution of the late general assembly of this commonwealth, entered into the sixth day of April, in the year of our Lord one thousand seven hundred and ninety, authorizing the late president and supreme executive council to purchase such lot, and erect the said powder magazine thereon. And a warrant or warrants for a sum not exceeding three hundred pounds in the whole, to discharge the balance of moneys payable for the necessary repairs done to the state house, in addition to the sum of eleven hundred pounds, appropriated for that purpose by a resolution of the late general assembly, passed on the twenty-fifth day of March, in the year of our Lord, one thousand seven hundred and eighty-nine.

[Section II.] (Section II. P. L.) And be it further enacted by the authority aforesaid, That the state treasurer be and he is hereby, authorized and enjoined to pay the warrants drawn by the governor by virtue of this act, out of the funds appropriated, to pay warrants, which shall be drawn by virtue of any law passed during the present session of the general assembly, in order to supply the deficiencies of former appropriations.

Passed April 13, 1791. Recorded L. B. No. 4, p. 132, etc. See the Act of Assembly passed September 30, 1791; Chapter 1589.

CHAPTER MDLXIV.

AN ACT TO TRANSFER CERTAIN POWERS, FORMERLY EXERCISED BY THE SUPREME EXECUTIVE COUNCIL, ALSO BY THE PRESIDENT OR VICE-PRESIDENT THEREOF, TO THE GOVERNOR OF THIS COMMONWEALTH.

Whereas during the continuance of the late constitution of this commonwealth, divers acts of assembly were passed, whereby the supreme executive council of the state, or the president or vice-president thereof, were vested with sundry powers and authorities, therein particularly specified.

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor of the commonwealth, in addition to the powers in him vested by the constitution, shall have and exercise all the powers, that by any law or laws in force on the first Tuesday of December last, were vested in the supreme executive council or in the president or vice-president thereof, unless the same are or shall be specially vested in some other person or persons, or shall be inconsistent with the provisions of the constitution. Provided nevertheless, That this act shall continue in force until the first day of August next, and from thence until the end of the next session of the general assembly and no longer.

Passed April 13, 1791. Recorded L. B. No. 4, p. 184, etc. See the Act of Assembly passed September 21, 1791, Chapter 1580.

CHAPTER MDLXV.

AN ACT FOR THE RELIEF OF PHILIP PETER.

Whereas it appears by a certificate of the comptroller-general, dated the fourth day of February, one thousand seven hundred and ninety-one, that Philip Peter, by his attorney, John

Aurant, applied within the time limited by law for the settlement of the accounts of the officers and soldiers of the Pennsylvania line, but the comptroller apprehended his letter of attorney extended only to pay, which he settled with John Aurant; that on a second application, he turned to the account and showed that Philip Peter's pay had been delivered to John Aurant, by order of the said Peter; that Aurant applied to him a third time; that then he understood that the application was for the depreciation of his pay, but the time for receiving the claim was expired, by which means the said Philip Peter is deprived of this part of the reward of his service. Therefore:

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the comptroller-general, be, and is hereby authorized and required to grant to the said Philip Peter a certificate for the depreciation due on his pay.

Passed April 13, 1791. Recorded L. B. No. 4, p. 185, etc.

CHAPTER MDLXVI.

AN ACT FOR THE RELIEF OF ROBERT CUNNINGHAM, A PRISONER IN THE GAOL OF THE COUNTY OF PHILADELPHIA.

Whereas Robert Cunningham, late master of the brigantine Conyngham, was at a court of quarter sessions of the peace, held in and for the county of Philadelphia in the month of December last, convicted upon an indictment for bringing into the port of Philadelphia a number of passengers from Londonderry, in the Kingdom of Ireland, without having provided the said passengers with sufficient provisions and water, and was, in consequence of the said conviction, fined by the said court in the sum of five hundred pounds, and for want of the payment of the said fine was, in the said month of December last, committed to the gaol of the said county; and whereas the said Robert Cunningham, hath by his humble petition, represented

that he is destitute of the means of paying the said fine, and that if the same is not remitted he must continue to languish in gaol.

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the said fine of five hundred pounds shall be, and the same is hereby remitted to the said Robert Cunningham, and he, the said Robert Cunningham, shall be, and is, forever discharged and exonerated therefrom, and from every part thereof.

Passed April 13, 1791. Recorded L. B. No. 4, p. 185, etc.

CHAPTER MDLXVII.

AN ACT TO AUTHORIZE THE GOVERNOR TO COMPLETE THE PURCHASE OF A CERTAIN TRACT OF LAND, LYING BETWEEN LAKE ERIE AND THE NORTHERN BOUNDARY OF THIS COMMONWEALTH.

Whereas an agreement has heretofore been entered into between the United States and this state, respecting the purchase of a certain tract of land, the property of the said United States, lying between Lake Erie and the northern boundary of Pennsylvania, and the extent and value of the said tract of land being now ascertained, it is proper to make provision for carrying the said agreement into effect.

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor shall be, and he hereby is, authorized and empowered upon the part of this commonwealth, to do, execute and perform, all matters and things whatsoever, which shall be necessary for completing the purchase of the said tract of land, according to the terms, stipulations and conditions of the agreement heretofore made and entered into, as aforesaid, between the United States and this

state, and thereupon to take and receive from the said United States, or any person or persons by them in that behalf duly authorized, a good and sufficient conveyance and assurance in fee simple, of the said tract of land in the name and for the use of this commonwealth.

Passed April 13, 1791. Recorded L. B. No. 4, p. 186.

CHAPTER MDLXVIII.

AN ACT TO EMPOWER AND DIRECT THE TREASURER OF THIS COMMONWEALTH TO DEPOSIT THE CERTIFICATES OF THE UNITED STATES, WHICH ARE THE PROPERTY OF PENNSYLVANIA, IN THE BANK OF NORTH AMERICA, AND TO EMPOWER THE PRESIDENT AND DIRECTORS OF THE SAID BANK TO RECEIVE THE INTEREST THEREON, FOR THE USE OF THIS COMMONWEALTH.

Whereas the safe keeping of the public securities, which are the property of this commonwealth, is a matter of great importance. Therefore:

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the treasurer of this commonwealth, be, and he is hereby directed, empowered and required to deposit all the certificates of the United States, which are the property of Pennsylvania, in the Bank of North America, within ten days after the funding of the same, and the president and directors of the said bank are hereby authorized and empowered to receive the interest due, and to become due, upon the said certificates, to give receipts for the interest so received, and to hold the said certificates and interest, subject to the drafts of the said treasurer for the use of this commonwealth.

Passed April 13, 1791. Recorded L. B. No. 4, p. 187.

CHAPTER MDLXIX.

AN ACT TO PROVIDE FOR THE OPENING AND IMPROVING SUNDRY NAVIGABLE WATERS AND ROADS WITHIN THIS COMMONWEALTH.

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor for the time being be empowered, and he is hereby empowered to contract with individuals, or with companies, for the purpose of undertaking and carrying into immediate effect the improvement of the navigation of the several rivers and creeks hereinafter described, that is to say; for improving the navigation of the river Delaware from the Falls of Trenton up to the northern boundry of this state; for improving the navigation of the Lacawaxen and the Lehigh, from their junction with the river Delaware up their several streams, so far as the several sums hereinafter allotted for that purpose will severally admit; for improving the navigation of the river Schuylkill, from the lower falls to Reading; for improving the navigation of the river Susquehanna, from Wright's Ferry up to Starucca at the Great Bend at the New York line; for improving the navigation of the west branch of the Susquehanna, from its mouth to the mouth of the Sinnamahoning, thence up the Sinnamahoning to its north branch, and thence up the north branch thereof to the place known by the name of Driftwood; for improving the navigation of the Allegheny river, from the mouth of the Conewango creek, up the said river, unto the place where the road from Driftwood, hereinafter described, shall strike the said river; for improving the navigation of French creek on the river Allegheny, from the mouth of the said creek up to the road, hereinafter described as leading therefrom to Presque Isle, on lake Erie; for improving the navigation of the river Juniata, from the mouth thereof to Water street and from

thence to Frankstown; for improving the navigation of Little Conemaugh, from the mouth thereof, upwards; for improving the navigation of the Conemaugh, from Stony Point to Richard's run, from thence through Chestnut Ridge, and from Chestnut Ridge to Loyal Hanning; for improving the navigation of the Kiskiminetas to the second Falls, inclusive, and from thence to the river Allegheny.

[Section II.] (Section II. P. L.) Be it further enacted by the authority aforesaid, That the governor for the time being is hereby empowered to contract with individuals, or with companies for the purpose of undertaking and carrying into effect the laying out, opening and improving such and so many parts of the hereinafter described roads, as shall from time to time by him be thought expedient, as connecting with, and necessary to correspond with the stage of improvement of the navigation of the several waters hereinbefore described, viz.; for opening and improving a road from Stockport on the river Delaware to Harmony, on the river Susquehanna; for opening and improving a road from the place called Driftwood, on the river Sinnamahoning, to the river Allegheny, observing a northerly course; for opening and improving a road from French creek to Presque Isle, on Lake Erie; for opening and improving a road from Frankstown to Popular run, and improving a road from Popular run to Conemaugh; and for opening and improving a road from the forks of Little Conemaugh to the mouth of Stonycreek.

[Section III.] (Section III. P. L.) Be it enacted by the authority aforesaid, That the following sums be appropriated for the purposes mentioned in the first section of this act, viz.; for the river Delaware, the sum of three thousand five hundred pounds; for the river Lacawaxen, two hundred and fifty pounds; for the river Lehigh, one thousand pounds; for the river Schuylkill, two thousand five hundred pounds; for the river Susquehanna, from Wright's ferry to the mouth of Swatara creek, inclusive, five thousand two hundred and fifty pounds, from the mouth of Swatara to the mouth of Juniata three hundred pounds; for the said river Susquehanna, from the mouth of Juniata to the mouth of the west branch, three hun-

dred pounds and from the mouth of the west branch to Starucca, at the Great Bend, four hundred and forty pounds; for the west branch of the Susquehanna, from the mouth thereof to the Sinnamahoning, one hundred and sixty pounds; for the Sinnamahoning to its north branch, two hundred pounds; for the north branch of Sinnamahoning, as far as the place called Driftwood, three hundred pounds; for the river Allegheny, from the place where the road from Driftwood will strike the same, down to the mouth of the Conewango creek, one hundred and fifty pounds; for French creek, from its mouth to the portage, leading to Presque Isle, on Lake Erie, four hundred pounds; for the river Juniata, from the mouth to Water street, eight hundred and twenty pounds; from Water street to Frankstown, fifteen hundred pounds; for the little Conemaugh, four thousand pounds; for the Conemaugh from Stony Point to Richard's run, four hundred pounds; from Richard's run through Chestnut Ridge, two thousand pounds; from Chestnut Ridge to Loyal Hanning, four hundred pounds; for the river Kiskiminetas to the second falls, inclusive, two hundred and fifty pounds, from the said falls to the river Allegheny, one hundred pounds.

[Section IV.] (Section IV. P. L.) And be it enacted by the authority aforesaid, That the following sums be appropriated for the purposes mentioned in the second section of this act, viz.: for the road from Stockport on the river Delaware, to Harmony on the river Susquehanna, the sum of four hundred pounds; for the road from Driftwood, on the Sinnamahoning to the river Allegheny, four hundred and sixty pounds; for the road from French creek to Presque Isle, on Lake Erie, four hundred pounds; for the road through the Canoe Narrows, and from Daniel Titus' to Poplar Run, three hundred pounds; for the road from Poplar Run to Conemaugh, three hundred and sixty pounds; and for the road from the forks of Little forks of Little Conemaugh to the mouth of Stonycreek, one hundred and eighty pounds.

[Section V.] (Section V. P. L.) Be it enacted by the authority aforesaid, That the governor for the time being is hereby empowered, from time to time, to draw warrants on the state

treasurer for so much of the stock of the United States, the property of this state, as shall be necessary to provide for defraying the expenses of opening and improving the several navigable waters and roads hereinbefore recited, confining the several sums hereinbefore specified to their respective appropriations; and the governor for the time being is hereby empowered to sell or cause to be sold from time to time, so much of the said stock, so by him received by virtue of the warrants aforesaid, as shall be requisite to carry into execution the several improvements directed in this act. Provided always, That the six per cent. stock shall not be sold under its nominal value, nor shall the three per cent. stock be sold under the price of two hundred pounds in said three per cent. stock for one hundred pounds in gold or silver.

[Section VI.] (Section VI. P. L.) And be it enacted by the authority aforesaid, That the governor for the time being is hereby empowered to draw warrants on the state treasurer, to be paid out of the first moneys arising from the funds appropriated by an act, passed during the present session of the general assembly, entitled "An act authorizing the governor to negotiate a loan for the use of this commonwealth and appropriating certain funds and revenues for the support of government, and the payment of the public debts," (1) to discharge all warrants to be drawn after the passing of the said act for claims and improvements, for the purpose of improving and opening the following roads, to each of which the several sums thereto affixed are hereby declared to be especially appropriated, viz; for a road from the town of Wilkes-Barre to the Windgap, five hundred pounds; for a road leading from Harrisburg through the Narrows at the end of of the Kittatiny mountain and Peter's mountain, and from thence, the nearest and best course to the place where it will intersect the road leading from Harrisburg to Sunbury, at or near Halifax, six hundred pounds; for a road to be laid out from Frankstown to Pittsburg, over the best ground, and in the straightest practicable line, three hundred pounds; for a road from Bedford to Pitts-

¹Chapter 1554.

burg, five hundred pounds; for a road from Reading to Sunbury, three hundred pounds; for a road from Bedford crossing Youghiogeny, at or near the Great Falls, to the west side of Laurel Hill, four hundred pounds; for a road from the mouth of Juniata, to David Miller's on the Juniata through Dick's Gap, three hundred pounds; for a road through the long narrows, one hundred and eighty pounds, and Jack's and Igow's narrows on the Juniata, one hundred and twenty pounds; for a road from near Catawissa on the north branch of Susquehanna to Hamburg, on the river Schuylkill, three hundred pounds; for a road from Yorktown to Cooper's Ferry, one hundred pounds, to be applied between Muddy creek and the said ferry; for a road from Fulton's Ferry on the Susquehanna, towards Newport, three hundred pounds; for a road from Callender's mill, over Croghan's Gap, in the Blue mountain, to West mill, two hundred pounds; for a road through the upper part of Berks county down to Schuylkill, three hundred pounds; for a road from Keplinger's mill, on Little Schuylkill, up the same, the best and nearest route, to the Susquehanna, three hundred pounds; for a road through Nichols's Gap over the South Mountain, two hundred and fifty pounds; for the road from Middle creek to Grubb's furnace, two hundred pounds; for a road through Black's Gap, over the South mountain, one hundred pounds; for the road from Buchanan's on the east side of the North mountain and through the Great Cove to the foot to Sidling Hill, two hundred pounds; for a road from Fort Penn on the east side of the northwest branch of Brodhead's creek to Wallenpaupeck, near the Great Falls, and from thence by or near the Indian Orchard, between the river Delaware and Shohokin creek to the river Susquehanna, the sum of four hundred pound.

[Section VII.] (Section VII. P. L.) Be it enacted by the authority aforesaid, That the governor for the time being is hereby empowered to contract with individuals or with companies for opening and improving the several roads recited in the foregoing section, in such manner as to him shall appear most likely to accomplish the good purposes by this act intended.

[Section VIII.] (Section VIII. P. L.) Be it enacted by the authority aforesaid, That the governor for the time being shall cause fair copies of all contracts by him made in virtue of this act, to be entered in a book or books, to be by him directed to be kept for that purpose, and shall be signed by the parties entering into such contracts, and no contracts shall be entered into as aforesaid, without taking one or more sufficient bondsmen for the just and perfect fulfillment of the contract, on the part of the person or persons so entering into the same; and the said book and books shall be presented for the inspection of the legislature from time to time, when so required.

(Section IX. P. L.) And whereas it may be necessary for the governor to employ an agent or agents, in order to acquire information respecting the several navigable waters and roads hereinbefore recited, before it may be proper to conclude any contract or contracts, as well as from time to time acquire information of the true and faithful performance of the several contracts.

[Section IX.] Be it enacted by the authority aforesaid, That the governor for the time being is hereby empowered to employ a person or persons as agent or agents of information, who shall be paid out of the respective funds appropriated in the second and sixth sections of this act, accordingly as the services of such agents shall be especially directed and employed, of which the governor shall have discretionary power to determine; and he shall draw warrants for the same in the same manner as is hereinbefore severally set forth. Provided, That the total amount of the several sums to be allowed to such agents shall not exceed the sum of five hundred pounds in any one year.

[Section X.] (Section X. P. L.) And be it enacted by the authority aforesaid, That the governor shall cause a fair and clear account to be kept of each distinct and separate appropriation, distinguishing the expenses of each of the several waters and roads hereinbefore recited, to be entered in a book or books to be provided for that purpose, to be presented to the legislature, from time to time for their inspection when thereto required.

[Section XI.] (Section XI. P. L.) Be it further enacted by the authority aforesaid, That the annual sum of five thousand pounds arising from the interest accruing to the state on the three per cent. stock of the United States, the property of this state, shall be appropriated to the improvement of roads, as soon as the engagements of the state, now charged on said fund, shall have been fulfilled.

Passed April 13, 1791. Recorded L. B. No. 4, p. 188, etc. See the Acts of Assembly passed April 10, 1792, Chapter 1645; April 10, 1793, Chapter 1680; April 11, 1793, Chapter 1694; April 4, 1796, Chapter 1900.

CHAPTER MDLXX.

AN ACT TO ERECT THE TOWN OF HARRISBURG, IN THE COUNTY OF DAUPHIN, INTO A BOROUGH.

Whereas the inhabitants of the town of Harrisburg, in the county of Dauphin, have by their petition prayed to be incorporated, and that the said town and its vicinity, as hereafter described, should be erected into a borough; And whereas it may contribute to the advantage of the inhabitants of the said town, as also to those who trade and resort there, and be of public utility, that nuisances, encroachments of all sorts, contentions, annoyances and inconveniences, in the said town and in its vicinity, should be prevented, and for the promoting of rule order, and the good government of said town.

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the said town of Harrisburg, shall be, and the same is hereby, erected into a borough, which shall be called the borough of Harrisburg, forever, the extent of which said borough is and shall be comprised within the following boundries, to-wit: Beginning at low water mark

on the eastern shore of the Susquehanna river; thence, by the pineapple tree, north sixty and one-quarter degrees, east seventy-nine perches to an ash tree, on the west bank of Paxton creek; thence, by the several courses thereof, three hundred and twenty-three perches to a white hickory, in William Maclay's line; thence, by the same, south sixty-seven and three-quarters degrees west, two hundred and twelve perches to a marked chestnut oak, on the eastern bank of the Susquehanna; thence, by the same course, to low water mark; and from thence, by the low water mark, to the place of beginning.

[Section II.] (Section II. P. L.) And be it further enacted by the authority aforesaid, That the freeholders and inhabitants of the borough of Harrisburg shall have power, on the first Monday in May in every year, to elect two fit persons to be burgesses of the said borough, and that the person having the greatest number of votes shall be styled the chief burgess; and also to elect four suitable persons assistants, for advising, aiding and assisting the said burgesses in the execution of the powers and authorities hereby given them; and also to elect a high constable and town clerk, all and every of which persons shall be residents in the said borough of Harrisburg.

[Section III.] (Section III. P. L.) And be it enacted by the authority aforesaid, that the said burgesses and freeholders, inhabitants within the said borough, and their successors, forever hereafter, shall be one body corporate and politic, in deed and name, and by the name of "The burgesses and freeholders, inhabitants of the borough of Harrisburg, in the county of Dauphin," shall have a perpetual succession, and they, and their successors by the name of, "The burgesses and freeholders, inhabitants of the borough of Harrisburg," shall, at all times hereafter, be persons able and capable in law to have, get, receive and possess lands, tenements, rents, liberties, jurisdiction, franchises and hereditaments, to them, and their successors, in fee simple or for term of life, lives, years or otherwise; and also goods and chattels, and other things of what nature or kind soever; and also to give, grant, let, sell and assign the same lands, tenements, hereditaments, goods and chattels, and

to do and execute all other things about the same, by the name aforesaid, and they shall forever hereafter be persons able and capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all or any of the courts within this commonwealth, in all manner of actions, suits, complaints, pleas, causes and matters whatsoever, and that it shall and may be lawful to and for the said burgesses and freeholders inhabitants of the borough of Harrisburg aforesaid, and their successors, forever, hereafter to have and use one common seal, for sealing of all business whatsoever touching the said corporation, and the same, from time to time at their will to change and alter.

[Section IV.] (Section IV. P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for such of the burgesses, constables, assistants and freeholders, as shall have resided within the said borough for at least one whole year next preceding any such election as are hereinafter directed, on the first Monday in May in the year of our Lord, one thousand seven hundred and ninety-one, and on that day yearly thereafter, forever, publicly to meet at the market house within the said borough and then there to nominate, elect and choose by ballot, two able freemen of the inhabitants of the said borough, having an estate in freehold therein, to be burgesses, one to be constable, and one to be town clerk, and four freeholders as aforesaid to be assistants within the same, for assisting the said burgesses in managing the affairs of the borough and in keeping the peace and good order therein, which election shall be taken from time to time by the high constable of the year proceeding, and the names of the persons so elected shall be certified under his seal to the governor of the commonwealth for the time being, within fifteen days next after such election; and the burgess who shall have the majority of votes shall be called the chief burgess of the said borough, but if the votes should be equal, the governor shall determine which shall be chief burgess; and in case it should so happen that the said freeholders shall neglect or refuse to choose burgesses and the said other officers in manner aforesaid, that then it shall and may be lawful for the governor

to nominate, appoint and commissionate burgesses, constables, town clerks, and assistants for that year, to hold and continue in their respective offices until the next time at annual election, appointed as aforesaid, and so often as occasion shall require.

[Section V.] (Section V. P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the burgesses and freeholders, inhabitants of said borough and their successors, to have, hold and keep, at the place erected for that purpose within the said borough, two markets in each week; that it to say, one market on Wednesday and one market on Saturday, in every week of the year, forever; and two fairs in the year, the first to begin on the first day of June, in the year of our Lord, one thousand seven hundred and ninety-one, and the other of the said fairs to begin on the tenth day of November following, and on the same days annually forever thereafter, each fair to continue two days, and when either of those days shall happen to fall on Sunday, then the said fairs to be kept the next day, or two days following, together with free liberties, customs, profits and emoluments to the said market and fairs belonging, or in anywise appertaining for ever; and there shall be a clerk of the market within the said borough, who shall have the assize of bread, wine, beer, wood, hay, corn and other provisions, brought for the use of the inhabitants, and who shall and may perform all things belonging to the office of the clerk of the market within the said borough, and shall be removable by the burgesses and assistants aforesaid, and another from time to time appointed and removed, as they shall find necessary.

[Section VI.] (Section VI. P. L.) And be it further enacted by the authorities aforesaid, That the burgesses and freeholders, inhabitants of the borough of Harrisburg, respectively, forever, shall enjoy all the powers, jurisdictions, exclusions, authorities and privileges and be subject to the same qualifications, restrictions, penalties, fines and forfeitures, within the said borough, as are enjoyed by and limited to the burgesses and inhabitants of the borough of Reading, in the county of Berks.

Passed April 13, 1791. Recorded L. B. No. 4, p. 192, etc.

CHAPTER MDLXXI.

AN ACT TO APPOINT A COMMISSIONER TO SUPERINTEND THE SETTLEMENT OF THE ACCOUNTS OF THIS STATE WITH THE UNITED STATES.

Whereas the settlement of the accounts of this commonwealth with the United States is an object of such essential consequence to the public interests as to demand the immediate and most pointed notice of the legislature.

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That a commission be instituted, for the sole and express purpose of superintending the settlement of the accounts of this commonwealth with the United States, and that a person of integrity and competent abilities to discharge its duties be forthwith appointed by the governor, to execute the same.

[Section II.] (Section II. P. L.) Be it further enacted by the authority aforesaid, That the comptroller-general be, and he is hereby enjoined to prepare and adjust all the aforesaid accounts, and to make all communications, and to render every assistance to the commissioner that his official knowledge of this branch of the public accounts will necessarily enable him to do, and he is further directed and required, on application of the commissioner, to deliver to him all accounts, books, papers and vouchers, that he may require or demand, for the purpose of obtaining a full and final settlement of the accounts of this commonwealth with the United States.

[Section III.] (Section III. P. L.) Be it further enacted by the authority aforesaid, That the salary hereby allotted to the said commissioner shall be at the rate of eight hundred pounds per annum, and shall be paid out of the funds appropriated for the support of government.

[Section IV.] (Section IV. P. L.) Be it further enacted by the authority aforesaid, That the commissioner appointed by virtue of this act may, with the approbation of the governor, employ such a number of clerks, as shall be necessary to carry the provisions of this act into effect; and that the comptroller-general may also, with the approbation of the governor, in addition to the clerks allowed him by an act, entitled "An act to provide for the support of the government of this commonwealth,"⁽¹⁾ employ such a number of additional clerks, as will enable him to adjust and prepare the above mentioned accounts within the time limited by the congress of the United States for their presentation, the salaries of which clerks, respectively, shall be paid out of the funds appropriated for the support of government.

Passed April 13, 1791. Recorded L. B. No. 4, p. 195, etc. See the Act of Assembly passed April 8, 1793, Chapter 1673.

¹ Passed April 13, 1791, Chapter 1574.

CHAPTER MDLXXII.

AN ACT TO REDUCE THE EXPENSES OF THE BOARD OF WARDENS OF THE PORT OF PHILADELPHIA, AND TO PROVIDE FOR THE PAYMENT OF A DEBT CONTRACTED BY THEM.

Whereas the board of wardens of the port of Philadelphia has been found, in various respects, eminently useful to the commerce of this state, but the establishment of the present constitution of the United States, and the cession of the lighthouse at Cape Henlopen, with the beacons, buoys, and public piers, in the river Delaware, and the lands and tenements there-to belonging, by reducing the number of objects under the care of the board of wardens, necessarily requires a diminution of the expenses attending it; and whereas it appears that a debt amounting to one hundred and fifty-eight pounds eleven shillings and nine-pence has, previous to the thirteenth day of January, one thousand seven hundred and ninety-one, been un-

avoidably contracted by the said board, which it is incumbent on this commonwealth to discharge:

[Section I.] (Section I. P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the act, entitled "An act to establish a board of wardens for the port of Philadelphia, and for other purposes therein mentioned,"⁽¹⁾ which was enacted the fourth day of October, one thousand seven hundred and eighty-eight, and so much of the act, "A supplement to an act, entitled "An act to establish a board of wardens for the port of Philadelphia, and for other purposes therein mentioned,"⁽²⁾ which was enacted the twenty-seventh day of March, one thousand seven hundred and eighty-nine, as relates to the tonnage officer, and as authorizes the said board of wardens to employ the tonnage officer, or any other person as their clerk, with the salary and perquisites, and so much of the said acts, respectively, as directs any pilot to make report to the said board of wardens of the arrival of any ship or vessel at the said port, shall be, and the same are hereby repealed.

[Section II.] (Section II. P. L.) Be it enacted by the authority aforesaid, That the governor shall be, and he is hereby authorized to draw an order on the state treasurer, in favor of the master-warden of the said board of wardens, for the said sum of one hundred and fifty-eight pounds eleven shillings and nine pence to be applied to the discharge of the said debt, and to no other use or purpose whatever; and for the purpose of defraying the current expenses of the said board until the second Tuesday of October next, and from thence until the end of the next session of the general assembly, the governor shall be, and he is hereby also authorized to draw an order or orders on the state treasurer in favor of the master-warden of the said board of wardens, for such additional sum, not exceeding three hundred and thirty pounds, as shall be requisite for the same.

¹ Chapter 1365.

² Chapter 1417.

[Section III.] (Section III. P. L.) Be it enacted by the authority aforesaid, That the state treasurer be, and is hereby authorized and required to pay the said order or orders, out of the funds appropriated for the support of government.

Passed April 13, 1791. Recorded L. B. No. 4, p. 196, etc.

CHAPTER MDLXXIII.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR SECURING THE CITY OF PHILADELPHIA AND THE NEIGHBORHOOD THEREOF, FROM DAMAGE BY GUN-POWDER."

Whereas by the act, entitled "An act for securing the city of Philadelphia and the neighborhood thereof, from damage by gun-powder,"¹ enacted the twenty-eighth day of March, one thousand seven hundred and eighty-seven, it is enacted that no person shall keep in any house, store, shop, cellar or other place, within the city of Philadelphia, any greater quantity of gun-powder than thirty pounds weight, except in the public magazine, in the square to the south of Vine street, between Sixth and Seventh streets; and whereas a new magazine is erected on the banks of Schuylkill, on the north side of Walnut street, by virtue of a resolution of the general assembly of April the sixth, one thousand seven hundred and ninety: Therefore:

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the owners of gun-powder now deposited, or to be deposited, in the said magazine, in the square to the south of Vine street, to remove and deposit the same in the said new magazine; and all gun-powder brought into the city of Philadelphia, from and after the first day of July next, shall be deposited and kept in the said new magazine, subject to the regulations contained in the said first recited act.

¹ Chapter 1279.

[Section II.] (Section II. P. L.) Be it enacted by the authority aforesaid, That so much of the said act as requires gunpowder to be deposited in the magazine first mentioned, shall, from and after the said first day of July next, be void, and of no effect, except so far as to authorize any proceedings on seizures, or prosecutions, for breaches of the said act before that time.

Passed April 13, 1791. Recorded L. B. No. 4, p. 198, etc.

CHAPTER MDLXXIV.

AN ACT TO PROVIDE FOR THE SUPPORT OF THE GOVERNMENT OF THIS COMMONWEALTH.

Whereas the formation of a new system of government in this commonwealth, the extinction of some offices heretofore established, and the substitution of others, render it necessary to provide reasonable and adequate compensations for those who are, and shall be, employed in the service of the public.

[Section I.] (Section I. P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the public officers hereafter mentioned shall respectively, be entitled to receive of this commonwealth, in full compensation of their respective services in such offices, the annual salaries and daily appointments, hereafter mentioned; that is to say:

The governor for the time being, the sum of two thousand pounds per annum.

The speaker of the senate, when he shall exercise the office of governor in the cases provided for by the constitution, at the rate of twelve hundred and fifty pounds per annum.

The speaker of the senate, for every day he shall attend the senate when he shall not exercise the office of governor, and

the speaker of the senate pro tempore, the sum of twenty-two shillings and six pence per diem.

The speaker of the house of representatives, the sum of twenty-two shillings and six pence, for every day he shall attend the house of representatives.

The members of the senate and house of representatives, respectively, the sum of fifteen shillings, for every day they shall attend upon their respective duties.

The chief justice of the supreme court, the sum of one thousand pounds per annum and thirty shillings per day whilst on the circuit, as a full allowance for all traveling expenses.

The assistant judges of the same court, the sum of six hundred pounds per annum, respectively, and thirty shillings per day, whilst on the circuit, as a full allowance for all traveling expenses.

The three associate judges of the high court of errors and appeals, six dollars, for every day they shall attend during the session of the said court.

The president of the courts of common pleas of that circuit which shall include the city and county of Philadelphia, the sum of six hundred dollars per annum; and the other presidents of the several courts of common pleas, the sum of five hundred pounds per annum, respectively.

The judges of the said courts, the sum of thirty pounds per annum, respectively.

The attorney general, the sum of two hundred and fifty pounds per annum.

The treasurer of the state, the sum of five hundred pounds per annum.

The surveyor-general, the sum of five hundred pounds per annum.

The secretary of the land office, the sum of five hundred pounds per annum.

The receiver-general of the land office, the sum of five hundred pounds per annum.

The comptroller-general, the sum of eight hundred pounds per annum.

The register-general, the sum of five hundred pounds per annum.

The clerks of the senate and house of representatives, respectively, the sum of twenty shillings for every day they shall attend upon their respective duties, with such further occasional allowances for assistants and extraordinary services as each house, respectively, shall from time to time deem necessary.

The sergeants at arms of the senate and house of representatives, respectively, the sum of ten shillings for every day they shall attend upon the duties of their several stations.

And the door-keepers of the senate and house of representatives, respectively, the sum of ten shillings for every day they shall attend upon the duties of their several stations.

[Section II.] (Section II, P. L.) Be it further enacted by the authority aforesaid, That every member of the senate and of the house of representatives shall be further allowed, once in each sitting of the general assembly, the sum of nine pence for each mile he shall travel in coming to and returning from the legislature.

[Section III.] (Section III, P. L.) Be it further enacted by the authority aforesaid, That a further annual allowance shall also be made to the public officers hereafter mentioned, for the purpose of employing a clerk in their respective offices; that purpose of employing a clerk or clerks in their respective offices; that is to say,

To the surveyor-general, the sum of two hundred and fifty pounds per annum.

To the secretary of the land office, the sum of two hundred and fifty pounds per annum.

To the receiver-general of the land office, the sum of two hundred and fifty pounds per annum.

To the comptroller-general, the sum of two hundred and fifty pounds per annum.

To the register general, the sum of two hundred and fifty pounds per annum.

And to the state treasurer, the sum of two hundred pounds per annum.

[Section IV.] (Section IV, P. L.) Be it further enacted by the authority aforesaid, That besides the allowances already made by the provisions of this act, there is hereby vested in the governor a discretionary power (on application of the officers of the before mentioned departments) to sanction the employment of additional clerks, whenever the urgent business of the offices requires it, provided the whole amount of the expense thereof does not exceed the following sums in the respective offices:

In that of the surveyor-general, the sum of seventy-five pounds.

Of the secretary of the land office, the sum of seventy-five pounds.

Of the receiver-general, the sum of seventy-five pounds.

Of the treasurer, the sum of one hundred and fifty pounds.

Of the comptroller-general, the sum of four hundred pounds.

Of the register-general, the sum of seventy-five pounds.

And the faith of the state is hereby pledged to provide for the increased expenses incurred in consequence of this arrangement.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the said salaries and allowances, respectively, shall commence from the passing of this act, except the following, which shall respectively commence from the several periods hereafter mentioned; that is to say

For the governor, from the third Tuesday of December last.

For the speaker and members of each branch of the legislature, and their several offices, from the commencement of their services, respectively. For the chief justice and assistant judges of the supreme court, from the respective dates of the commissions to them granted, or to be granted by the governor.

And for the presidents and judges of the court of common pleas from the first day of September next.

Passed April 13, 1791. Recorded L. B. No. 4, p. 53, etc. See the Acts of Assembly passed April 13, 1791, Chapter 1571; April 4, 1792, Chapter 1633; April 8, 1793, Chapter 1676; March 5, 1794, Chapter 1716; April 22, 1794, Chapter 1760; April 20, 1795, Chapter 186a.

CHAPTER MDLXXV.

AN ACT TO ESTABLISH THE JUDICIAL COURTS OF THIS COMMONWEALTH IN CONFORMITY TO THE ALTERATIONS AND AMENDMENTS IN THE CONSTITUTION.

Whereas it is expedient to carry into effect the provisions of the constitution respecting the court of justice in this commonwealth, and so to organize the same as to secure an efficient, safe and uniform administration of the laws; therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the supreme court shall be established, in the same manner, and with the same powers, as it hath been heretofore established by the laws of this commonwealth, consistently with the provisions made in and by the constitution of this state. Provided nevertheless, That from and after the thirty-first day of August next, there shall be only three terms of the said court holden in every year; that is to say, one term beginning on the first Monday in January, which term shall continue three weeks, and no longer; another term beginning the first Monday in April; and a third term beginning on the first Monday in September; each of which last mentioned terms shall continue two weeks, and no longer; and that the courts of nisi prius shall be held at such intermediate times as the justices of the said court shall judge most convenient for the people.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That in order to render effectual the provisions made in the said constitution for establishing the courts of common pleas, this commonwealth shall be, and hereby is, divided into five districts or circuits, to be limited as follows; that is to say, the first circuit to consist of the city and county of Philadelphia, and the counties of Bucks,

Montgomery and Delaware; the second circuit to consist of the counties of Chester, Lancaster, York and Dauphin; the third circuit to consist of the counties of Berks, Northampton, Luzerne and Northumberland; the fourth circuit to consist of the counties of Cumberland, Franklin, Bedford, Huntingdon and Mifflin; and the fifth circuit or district to consist of the counties of Westmoreland, Fayette, Washington and Allegheny.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That in and for each of the said districts or circuits, a person of knowledge and integrity, skilled in the laws, shall be appointed and commissioned by the governor, to be president and judge of the courts of common pleas, within such district or circuit, and that a number of other proper persons, not fewer than three, nor more than four, shall be appointed and commissioned judges of the courts of common pleas, in and for each and every of the counties of this commonwealth, which said presidents and judges shall, after the said thirty-first day of August next, respectively, have and execute all and singular the powers, jurisdictions and authorities of judges of the courts of common pleas, judges of the courts of oyer and terminer and general gaol delivery, judges of the orphans' courts, and justices of the courts of quarter sessions of the peace, agreeably to the laws and constitution of this commonwealth.

[Section IV.] (Section IV, P. L.) Be it enacted by the authority aforesaid, That the courts of common pleas and quarter sessions of the peace, shall be held at the same times, and in the same places, as they are now held under the subsisting laws of this commonwealth, except the courts of common pleas and the courts of quarter sessions of the peace in the county of Delaware, which shall be held at the times following the courts of common pleas, on the first Tuesdays in the months of February, May, August and November, and the said courts of quarter sessions on the Mondays next preceding the first Tuesdays in the several months aforesaid.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the said president and judges,

or any two of them, and the register of wills, shall compose the register's court in each county, and shall have all and singular the powers, jurisdictions and authorities thereunto belonging.

[Section IV.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the orphans' courts shall be held at such stated times as the judges of the said court, in their respective counties, shall for each year ordain and establish.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That whensoever any person shall be indicted in any court of oyer and terminer, gaol delivery, or sessions of the peace, the party charged shall be at liberty to remove the said indictment and all proceedings thereupon, or a transcript thereof, into the supreme court, by a writ of certiorari or by writ of error, as the case may require. Provided always, That no such writ of certiorari or writ of error, shall issue or be available to remove the said indictment and proceedings thereupon, or a transcript thereof or to stay execution of the judgment thereupon rendered, unless the same shall be specially allowed by the supreme court, or one of the justices thereof, upon sufficient cause to it or him shown, or shall have been sued out with the consent of the attorney general, which special allowance or consent shall be in writing and certified on the said writ.

[Section VIII.] (Section VIII, P. L.) And be it enacted by the authority aforesaid, That where any suit shall be depending in any court in this commonwealth, and either of the parties shall die before final judgment, the executor or administrator of such deceased, who was plaintiff, petitioner or defendant, in case the cause of action doth by law survive, shall have full power to prosecute or defend such action until final judgment, and the defendant or defendants are hereby obliged to answer thereto accordingly, and the court before whom such cause may be depending is hereby empowered and directed to hear and determine the same, and to render judgment for or against the executor or administrator, as the case may require, and if such executor or administrator, having been duly served

with a scire facias, or citation, from the office of the clerk of the court where such suit is depending, sixty days before the meeting thereof, shall neglect or refuse to become a party to the suit, the court may render judgment against the estate of the deceased party, in the same manner as if the executor or administrator had voluntarily made himself a party to the suit, and the executor or administrator who shall become a party as aforesaid, shall, upon motion to the court where the suit is depending, be entitled to a continuance of the same until the next term or time of holding of the said court.

[Section IX.] (Section IX, P. L.) Be it further enacted by the authority aforesaid, That the said presidents and judges shall, from and after the said thirty-first day of August next, severally, have the powers to issue writs of habeas corpus in vacation time, and out of term, and to give relief thereupon in the manner and as fully as the president of any court of common pleas of this commonwealth at present may or can do, by virtue of an act of assembly, entitled "An act for the better securing personal liberty and preventing wrongful imprisonments."

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That all acknowledgments and probates of deeds and conveyances of and concerning any lands, tenements and hereditaments, lying or being in any part of this state, made and done, before any one of the assistant or associate judges of the courts of common pleas of any county within this state, shall be as effectual and available in law, to all intents and purposes whatsoever, as if the same were done before one of the judges of the supreme court, or before the president of any of the courts of common pleas within this commonwealth.

[Section XI.] (Section XI, P. L.). And be it further enacted by the authority aforesaid, That where lands are sold by the sheriffs of the several counties of this state by virtue of writs of fieri facias, levam facias or venditioni exponas, issuing out of the supreme court, it shall and may be lawful for such sheriffs to acknowledge the execution of deeds of conveyance

to the purchasers of such lands before the justices of the to the purchasers, of such lands before the justices of the supreme court, or one of them, at their court of nisi prius, held in and for the county in which such lands lie, and that such acknowledgments shall be as good and effectual, as if the same were made before the justices of the supreme court in banc; and that whenever any lands, tenements or hereditaments shall happen to be sold by virtue of writs of testatum, it shall and may be lawful for the sheriff who sells the same to acknowledge the deed he makes to the buyer in the court of common pleas of the county wherein the sale is made, which shall be as valid and effectual as if acknowledged in the county from which the process issued.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the prothonotaries of the several courts of common pleas within this commonwealth shall have the like power to sign all judgments, and writs and process, and to take bail in all actions in their respective courts, as they had for those purposes, while they were justices of the said courts, and, after the thirty-first day of August next, may as legally do the same, as any judge of the same courts may or can do, affixing to all such writs and process the seals of the said courts, respectively, and that the prothonotary of the supreme court shall have power to enter judgments confessed, in the manner usually practiced in the said supreme court, which shall have like obligatory force as if the said judgments were signed with his name, and shall have the like power to take bail in all actions and suits removed thereto from any court or jurisdiction within this commonwealth, as by law he has, or may, or can do, in actions and suits originally commenced in the said supreme court, or as any justice of the same court may or can do, and that the prothonotaries and the clerks of the said courts of record in this commonwealth shall have full power and authority to administer oaths and affirmations, respectively, in conducting the business of their respective offices, in as full and ample manner as any judge or justice of the court aforesaid might or could do therein.

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That all writs and suits, as well civil as criminal, which, on the said thirty-first day of August, shall be depending and undetermined in any court of justice of this commonwealth, shall be deemed to be depending in the same state, and shall proceed to a final determination before the several courts in this act mentioned, having either original or appellate jurisdiction therein.

(Section XIV, P. L.) And whereas it frequently happens that judgments long remain unsatisfied on record, although the moneys for which these judgments have been rendered are justly discharged, whereby defendants in such cases, as well as the subsequent purchasers of real property, suffer much vexation and inconvenience.

[Section XIV.] Be it enacted by the authority aforesaid, That from and after the thirty-first day of August next, each and every person, having received satisfaction for his or their debt or damages, recovered by judgment in any court of record within this commonwealth, shall, at the request of the defendant or defendants in the action, or of his, her or their legal representatives, or other persons concerned in interest therein, on payment of the costs of suit, and on tender of his reasonable charges and the costs of office for entering satisfaction, within eighty days after such request made, enter satisfaction of the judgment in the office of the prothonotary of the court where such judgment was or shall be entered, which shall forever thereafter discharge, defeat and release the same, and if such person, having received such satisfaction, as aforesaid, by himself, or his attorney, shall not, within eighty days after request and payment of the costs of suit, and tender of charges, as aforesaid, repair to the said office, and there enter satisfaction, as aforesaid, he, she or they refusing or neglecting so to do, shall forfeit and pay unto the party or parties aggrieved any sum of money, not exceeding one-half of the debt or damages so adjudged and recovered, to be sued for and demanded by the defendants or persons damnified, in like manner as other debts are now recoverable by law in this commonwealth.

[Section XV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That no judge of any courts of record mentioned in this act shall practice as an attorney or counsellor, in any court of justice in this commonwealth, or elsewhere.

(Section XVI, P. L.) And whereas it is requisite that the good people of this commonwealth should enjoy the full benefit of a competent jurisdiction within this state, for the hearing, determining and judging in the last resort, upon complaints of error at common law; and also that a competent court of appeals should be provided within the same, for reviewing, reconsidering and correcting the decrees and sentences of the several register's courts.

[Section XVI.] Be it therefore enacted by the authority aforesaid, That when any final judgment shall be hereafter given, in the supreme court, in any suit or action real, personal or mixed, or when any final decree or sentence shall be pronounced by any register's court, the party or parties, his, her or their heirs, executors or administrators against whom such judgment, decree or sentence shall be given, may sue forth, in the case of a complaint of error in the supreme court, a writ of error, according to the course of the common law, under the less seal of the commonwealth, directed to the chief justice or other justice or justices of the said court, commanding him or them to cause the record, and all other things concerning the judgment complained of, to be brought before the court hereinafter mentioned and constituted, and in case of an appeal from the definitive sentence or decree of any register's court, the appellant or appellants shall be allowed, and shall have his, her or their appeal to the high courts of errors and appeals hereinafter constituted.

[Section XVII.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That the judges of the supreme court, the president of the several courts of common pleas for the five districts or circuits aforesaid, together with three other persons of known legal abilities, to be appointed and commissioned during good behavior, and removable from office in the same manner as the judges of the supreme court

now are, be, and they are hereby constituted a court of record, by the name, style and title of the high court of errors and appeals, which said high court of errors and appeals, or any five or more of the justices composing the same, shall have power and authority to examine all such errors as shall be assigned or found in or upon any such judgment given in the supreme court, and thereupon to affirm or reverse the same judgment, as the course of the common law and justice shall require, other than for errors to be assigned for want of form in any writ, return, plaint, bill, declaration, or other pleadings, process, verdict or proceeding whatsoever, and that after the said judgment shall be affirmed, or reversed, the record and proceedings, and all things concerning the same, shall be remitted into the said supreme court, to the end that such further proceedings may be had thereon, as well for execution, as otherwise, as to justice shall appertain, and the said high court of errors and appeals shall receive, hear and decide all such appeals from the register's courts as aforesaid. Provided always, That such of the justices of the supreme court, and such of the presidents of the courts of common pleas, who shall have heard and determined, or given any judgment, in any of the causes removed or brought by writ of error, or by appeal, into the said high court of errors and appeals, shall be excluded from sitting judicially on the hearing of the same cause or controversy in the said high court of errors and appeals. Provided nevertheless, That no such writ of error shall be granted, nor any appeal allowed, as aforesaid, unless an affidavit be filed with the clerk of the said high court of errors and appeals made by the plaintiff or plaintiffs in error or the appellant, or appellants, or his, her or their agent or attorney in fact, attesting that the matter in controversy exceeds the value of four hundred dollars; and the plaintiff in error, or appellant, or in case of his, her or their absence, then his, her or their agent or attorney in fact, shall enter into recognizance to the defendant in error, or appellee, with two sufficient sureties, in double the sum, or double the value, in dispute, conditioned to prosecute his, her or their writ of error, or appeal,

with effect in the said high court of errors and appeals, and that if the judgment or decree shall be affirmed, or if the plaintiff or plaintiffs in error, or appellant, shall fail to prosecute his, her or their suit with effect, then to satisfy the condemnation money, together with damages, or otherwise abide the judgment in error, or decree in appeal, with double costs, which said recognizance shall be taken before one of the justices of the supreme court, or before the register for the probate of wills and granting letters of administration, as the case may be, and subscribed by such judge or register; but if the said judgment or decree shall be reversed, each party shall pay his, her or their own costs in the said high court of errors and appeals, and until such security shall be given, the power, authority or proceedings of the said supreme court or register's court, respectively, shall not be suspended.

[Section XVIII.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That upon the hearing of any cause litigated before the said register's court, the depositions of the several witnesses examined therein, shall be taken in writing and made part of the proceedings in the cause, upon which the said high court of errors and appeals may reverse the decree of the said register's court, for any error arising either in law or fact, or affirm the same, according to the merits and justice of the case. Provided always, That if the register's court upon a dispute upon facts arising before them, shall send an issue into the court of common pleas of the county to try the said facts, which they shall do at the request of either party, and a verdict establishing the said facts be returned, the said facts shall not be re-examined on appeal, and that no appeal from the decree of the register's court, concerning the validity of a will, or the right to administer, shall stay the proceedings, or prejudice the acts of any executor or administrator, pending the same; provided the executor shall give sufficient security for the faithful execution of the will and testament to the register; but in case of refusal, the said register is hereby directed to grant letters of administration during the dispute, which shall suspend the power of such executor during that time.

[Section XIX.] (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That the said high court of errors and appeals shall sit in the city of Philadelphia, at least once in every year; that is to say, on the second Monday in the month of July, and if there be any causes depending, the said court shall have power to adjourn from time to time, and to require and compel the attendance of sheriffs, coroners, constables and other ministerial officers, as fully as any court in this commonwealth can or may do.

[Section XX.] (Section XX, P. L.) And be it further enacted by the authority aforesaid, That no fine or common recovery, nor any judgment in any real, personal or mixed action, nor any appeal from the said register's court, shall be avoided, or reversed, for any defect or error therein, unless the writ of error be commenced, or the appeal brought and prosecuted with effect, within seven years after such fines levied, common recovery suffered, judgment signed or entered of record, or decree be pronounced. Provided nevertheless, That if any person, who is, or shall be, entitled to any such writ of error or appeal, as aforesaid shall, at the time such title accrued, be within the age of twenty-one years, covert, non compos mentis, in prison or out of the limits of the United States of America, that then such person, his or her heirs, executors or administrators (notwithstanding the said seven years be expired) shall and may bring his, her and their writ of error or appeal for the reversing of such fine, recovery or judgment, so as the same be done within five years after his or her full age, discovery, coming to sound mind, enlargement out of prison, or return into some one the United States of America, but not afterwards nor otherwise.

[Section XXI.] (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That each of the three persons to be appointed and associated with the judges of the supreme court and the presidents of the courts of common pleas, as judges of the said high court of errors and appeals, shall be entitled to the sum of six dollars for each day they shall attend upon the business of the said court, for which

the governor shall draw warrants upon the state treasurer, countersigned by the comptroller-general and register-general.

[Section XXII.] (Section XXII, P. L.) And be it further enacted by the authority aforesaid, That the act of assembly entitled "An act for erecting an high court of errors and appeals,"¹ passed the twenty-eighth day of February, in the year one thousand seven hundred and eighty, and so much of any former act or acts of assembly as is hereby altered or supplied shall be, and the same is hereby repealed and made void. Provided nevertheless, That all such writs of error and appeals, which have been heretofore brought, and were depending and undetermined in the said high court of errors and appeals, at the time of making and declaring the amendments and alterations of the constitution of this commonwealth, shall be held to be depending in the same state, and shall be determined by the justices of the said high court of errors and appeals established by this act, in the same manner as writs of error and appeals hereafter to be brought and returned into the said court.

Passed April 13, 1791. Recorded L. B. No. 4, p. 101 p etc.

Supplement passed September 30, 1791, Chapter 1601. Further supplement passed April 4, 1792, Chapter 1635. Further supplement passed April 17, 1795, Chapter 1845. Further supplement passed March 15, 1800, Chapter 2142. Section 7 repealed by the Act of Assembly of March 31, 1860, Chapter 376, P. L. of 1860, p. 452.

¹Chapter 879.

CHAPTER MDLXXVI.

AN ACT GIVING FURTHER TIME TO PATENT LANDS CLAIMED UNDER LOCATION OR WARRANT, AND FOR EXTENDING THE RIGHT OF PRE-EMPTION TO ACTUAL SETTLERS.

Whereas in and by an act, entitled "An act for facilitating the redemption of the bills of credit emitted in the year one thousand seven hundred and eighty-one, and for redeeming part of the funded debt of this commonwealth, and extending the time for patenting lands which were located before the declaration of independence, and giving a right of pre-emption to actual settlers to obtain warrants for the lands by them occupied,"¹ the time limited by the act passed the twenty-eighth day of March, one thousand seven hundred and eighty-seven, for paying or securing to the commonwealth the payments for lands, by location or other office right, obtained before the tenth day of December, one thousand seven hundred and seventy-six, and yet remaining unpatented, was extended under the terms and conditions therein mentioned to the tenth day of April, one act was further extended in every matter and thing therein contained on the twenty-ninth day of March, one thousand seven hundred and ninety, until the tenth day of April, one thousand seven hundred and ninety-one, and from thence until the next session of the general assembly; and whereas it is deemed just and reasonable that the same indulgence be further extended.

[Section I.] (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the respective times, so as aforesaid limited and extended, and under the same mode of payment, in every matter and thing, be further extended to the tenth day of April, one thousand seven hundred and ninety-two, and from thence until the end of the next session of the

¹ Passed March 20, 1788, Chapter 1348.

general assembly, as fully and amply to all intents and purposes, as they were by any of the former recited acts extended to the tenth day of April, one thousand seven hundred and ninety-one, and from thence until the end of the next session of the general assembly.

Passed April 13, 1791. Recorded L. B. No. 4, p. 109, etc.

CHAPTER MDLXXVII.

A SUPPLEMENT TO AN ACT, ENTITLED "AN ACT FOR ERECTING CERTAIN PARTS OF THE COUNTIES OF WESTMORELAND AND WASHINGTON INTO A SEPARATE COUNTY."

Whereas in and by the act, entitled "An act for erecting certain parts of the counties of Westmoreland and Washington into a separate county,"¹ the trustees therein named, or any three of them were authorized, within five years after the time of passing the said act, to make choice of any of the lots set apart for public buildings in the reserved tract opposite to the town of Pittsburg, and thereon to erect a courthouse and prison, sufficient to accommodate the public business of the said county; and whereas it has been represented to the legislature by a number of the inhabitants of the said county, that from a variety of causes, it would be highly inconvenient to erect the said public buildings in the situation proposed, and therefore they have prayed the legislature to cause the same to be erected in the town of Pittsburg; and whereas the reasons alleged for so doing appear to be forcible and conclusive:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the said act of assembly as authorizes the trustees therein named, or any of them, to erect a courthouse and prison on any part of the reserved tract opposite to the town of Pittsburg, shall be, and the same is hereby repealed.

¹ Passed September 24, 1788, Chapter 1359.

[Section II.] (Section II, P. L.) Be it enacted by the authority aforesaid, That George Wallace, Devereux Smith, William Elliott, Jacob Bausman and John Wilkins, or any three of them, shall be, and they are hereby authorized and required to purchase and take assurance in the name of the commonwealth, for the use and benefit of the county of Allegheny, of some convenient piece of ground in the said town of Pittsburg, and thereupon to erect a courthouse and prison, sufficient for the public purposes of the said county, for which end they shall be invested with the like powers, and entitled to call upon the commissioners of the said county for the same sum of money, as in and by the said act was directed, for the purpose of erecting such buildings upon the said reserved tract, anything in the said act to the contrary notwithstanding.

Passed April 13, 1791. Recorded L. B. No. 4, p. 110, etc.

CHAPTER MDLXXVIII.

AN ACT AFFORDING RELIEF TO DICKINSON COLLEGE.

Whereas, Dickinson College, in the borough of Carlisle, hath been eminently useful in that diffusion of knowledge which the constitution of this commonwealth and the general interest of the citizens require the legislature to promote, but the pressure of its debts and the insufficiency of its income, render it necessary to afford some public assistance to enable the trustees to maintain proper tutors, and otherwise continue the public benefits hitherto derived from the said institution:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That for the immediate relief of the said institution, the governor be, and he is hereby authorized to draw a warrant on the state treasurer in favor of the trustees of Dickinson College, in the borough of Carlisle, in the county

of Cumberland, for the sum of fifteen hundred pounds, to be paid out of the fund appropriated for claims and improvements.

Passed Sept. 20, 1791. Recorded L. B. No. 4, p. 112, etc.

CHAPTER MDLXXIX.

AN ACT FOR COMPENSATING JOHN VANNOST FOR HIS SERVICES IN DRAFTING A FEE BILL.

Whereas it appears to this house that John Vannost, of the city of Philadelphia, at the request of a committee of a former house, sufficiently empowered to employ the said John Vannost, did draw and frame a fee bill, and it being just and reasonable that he should receive a compensation for his services aforesaid; therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor of this commonwealth be, and he is hereby empowered to draw an order on the state treasurer in favor of the said John Vannost, for the sum of fifteen pounds, which order shall be paid out of the funds appropriated for the support of government, and when paid by the treasurer, shall be available to him in the settlement of his accounts with the commonwealth, for the sum therein mentioned.

Passed Sept. 21, 1791. Recorded L. B. No. 4, p. 113, etc.

CHAPTER MDLXXX.

AN ACT TO CONTINUE THE ACT FOR TRANSFERRING CERTAIN POWERS FORMERLY EXERCISED BY THE SUPREME EXECUTIVE COUNCIL, ALSO BY THE PRESIDENT OR VICE-PRESIDENT THEREOF, TO THE GOVERNOR OF THIS COMMONWEALTH.

Whereas the act, entitled "An act to transfer certain powers formerly exercised by the supreme executive council, also by the president or vice-president thereof, to the governor of this commonwealth,"¹ passed the thirteenth day of April, one thousand seven hundred and ninety-one, will expire by its own limitation with the present session.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the said act shall be extended to the first day of December next, and from thence until the end of the next session of the general assembly, and no longer. Provided always, That in all cases where accounts examined and settled by the comptroller-general and register-general, or either of them, have heretofore been referred to the executive authority, to be by the said executive authority approved and allowed, or rejected, the same shall only for the future be referred to the governor, when the said comptroller-general and register-general shall differ in opinion; but in all cases where they agree, only the balances due on each account shall be certified by the said comptroller-general and register-general to the governor, who shall thereupon proceed in like manner, as if the said accounts respectively had been referred to him according to the former laws upon the subject. And provided always, That in all cases, where the party or parties shall not be satisfied with the settlement of their respective accounts by the comptroller-general and register-gen-

¹ Chapter 1564.

eral, or where there shall be reason to suppose that justice has not been done to the commonwealth, the governor may and shall in like manner, and upon the same conditions as heretofore, allow appeals, or cause suits to be instituted, as the case may require.

Passed Sept. 21, 1791. Recorded L. B. 4, p. 113, etc. See the Acts of Assembly passed March 28, 1792, Chapter 1610; April 11, 1793, Chapter 1689.

CHAPTER MDLXXXI.

AN ACT RATIFYING, ON BEHALF OF THE STATE OF PENNSYLVANIA, THE FIRST AMENDMENT, PROPOSED BY CONGRESS, TO THE CONSTITUTION OF THE UNITED STATES.

Whereas in pursuance of the fifth article of constitution of the United States certain articles, in addition to and amendment of the said constitution, have been proposed by the congress of the United States, for the consideration of the legislatures of the several states; and whereas the legislature of the state of Pennsylvania, having maturely deliberated thereupon, have resolved to adopt and ratify the article hereafter mentioned, as part of the constitution of the United States:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the following article in addition to and amendment of the constitution of the United States of America proposed by the congress thereof, viz.:

Article the First: "After the first enumeration required by the first article of the constitution there shall be one representative for every thirty thousand, until the number shall amount to one hundred, after which the proportion shall be so regulated by congress, that there shall be not less than one hundred representatives, nor less than one representative, for every forty thousand persons, until the number of representatives

shall amount to two hundred, after which the proportion shall be so regulated by congress that there shall not be less than two hundred representatives, nor more than one representative, for every fifty thousand persons," be and it is hereby ratified, on behalf of the state of Pennsylvania, to become, when ratified by the legislature of three-fourths of the several states, part of the constitution of the United States.

Passed Sept. 21, 1791. Recorded L. B. No. 4, p. 214.

CHAPTER MDLXXXII.

AN ACT TO REPEAL SO MUCH OF EVERY ACT OR ACTS OF ASSEMBLY OF THIS STATE AS RELATES TO THE COLLECTION OF EXCISE DUTIES.¹

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That so much of every act or acts of assembly as authorize the collection of any duty or duties upon wine, rum, brandy, or other spirituous liquors, shall be, and the same are hereby repealed:

[Section II.] (Section II, P. L.) Provided always, and be it enacted by the authority aforesaid, That nothing herein contained shall be deemed or construed to prevent the recovery of all such duties upon the said articles as are now due to the commonwealth, nor to release or take away any forfeiture or penalty, which any person or persons may have incurred by reason of the said acts of assembly, but that all prosecutions commenced, or which may be commenced, in consequence thereof, may be prosecuted to as full effect, as if such acts, or parts thereof, had not been repealed.

Passed Sept. 21, 1791. Recorded L. B. No. 4, p. 115.

¹See note to Chapter 412; also Act of March 21, 1792, Chapter 656.

CHAPTER MDLXXXIII.

A SUPPLEMENT TO THE PENAL LAWS OF THIS STATE.¹

Whereas by the alteration of the time of holding the supreme court, it is become difficult to execute that part of the act of the general assembly of this commonwealth, which prescribes the form of outlawries, and it is expedient that further provisions should be made relative thereto, than are contained in the former act of assembly made on that subject:

[Section I.] (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That if any person who hath been or shall be legally indicted in any court of criminal jurisdiction within this commonwealth, of treason, felony of death, robbery, burglary, sodomy or buggery, or as accessories before the fact to any of the same offences, did not or will not appear to answer to such indictments, or having appeared, shall escape before trial, and the same indictment, record and proceedings shall be removed by writ of certiorari into the supreme court of this commonwealth, it shall and may be lawful for the same court to award a writ of *capias*, directed to the sheriff of the county where the fact shall be charged to have been committed, and if the party indicted shall be supposed by the indictment to inhabit or be conversant in any other county, then also to the sheriff of such county; which writ or writs shall be delivered to the said sheriff or sheriffs, at least two months before the day of the return thereof, commanding the said sheriff or sheriffs to take the person so indicted as aforesaid, if he or she may be found in his or their bailiwicks, and him safely keep, so that he may have his or her body before the justices of the said supreme court, at the next supreme court to be holden for the said commonwealth, to answer to the said

¹See Chapter 1516 reforming Penal Laws.

indictment or prosecute his or her traverse thereupon, as the case may be, and to be further dealt with as the law shall direct, and if the same sheriff or sheriffs shall make return to the same writ or writs of *capias*, that the person indicted as aforesaid cannot be found in his bailiwick, then, after such return, a second writ of *capias* may issue out of the said supreme court, and be delivered, at least three months before the return day thereof, to the sheriff of the county where the fact shall be charged to have been committed, and in case the party shall be supposed by the indictment to inhabit, or be conversant in any other county, then another writ of *capias* shall also issue, and be delivered at least three months before the return day thereof, to the sheriff of such county, which writ or writs of *capias* shall be returnable before the justices of same court, on the first day of the second term next after the teste of the said second writ of *capias*, so that a term shall intervene between the teste and return days of the same writ or writs, whereby the said sheriff or sheriffs shall be commanded to take the said person, so indicted as aforesaid, if he or she may be found in his or their bailiwicks, and him or her safely keep, so that he may have his or her body before the justices of the said supreme court at the day of the return thereof, to answer or prosecute his or her traverse as aforesaid; but if he or she cannot be found in his or their bailiwicks, then to cause public proclamation to be made on three several days, in one of the courts of quarter sessions of the peace to be held for the said counties, respectively, between the teste and return days of the same writ or writs, that the party so indicted shall appear before the said justices of the said supreme court, at a supreme court to be holden at the time and place contained in the same writs, to answer such indictment, or prosecute his or her traverse thereof, as the case may be, or through default thereof, he or she will at the return of the same writ or writs be outlawed, and attainted of the crime whereof he or she was indicted, as aforesaid, and the said second writ of *capias*, directed to the sheriff of the county where the crime hath been or shall be charged to have been committed, shall contain a further

clause, commanding the same sheriff, in case the person indicted as aforesaid cannot be found in his bailiwick, to cause public advertisement to be made in one or more of the public newspapers of this state, once a week, in six succeeding weeks between the teste and return of the said second writ of *capias*, specifying therein the coming of the said second writ of *capias*, to his hands, with the teste thereof, and the time and place of return to be made thereof, naming the person indicted as aforesaid, with his or her addition of degree, mystery, and place of abode, as contained in the writ, stating the nature of the offence charged against him or her, and commanding him or her to appear before the justices of the said supreme court, at the day and place directed by the said second writ of *capias*, to answer to the said indictment or prosecute his or her traverse thereof, as the case may be, or through default thereof, at the return of the said second writ of *capias*, he or she will be outlawed and attainted of the crime whereof he or she shall have been indicted as aforesaid, and if upon the return of the same writ or writs last mentioned by the said sheriff or sheriffs, that the directions of the said writ or writs had been fully complied with and pursued, and the person indicted as aforesaid shall not yield himself or herself to one of the said sheriffs, so that he may have his or her body before the justices of the said supreme court, at the day and place as directed by the said writ or writs, or having surrendered himself or herself, shall escape from his custody, or, having been bailed on his or her surrender or caption, shall not appear, so that, through want of his or her appearance at the time and place the said supreme court shall appoint for his or her trial, no trial of his or her offence can be had, the justices of the said supreme court shall, in either of these cases, pronounce and declare the said person, indicted as aforesaid, and not appearing at the time and place appointed for his or her trial as aforesaid to be outlawed and attainted of the crime whereof he or she shall have been indicted as aforesaid, the same supreme court taking care to pronounce and declare the judgment of outlawry against the principal offender previously to the declaration of outlawry against

the accessory, against whom, in all other respects, it shall be lawful to carry on the proceedings, together and at the same time; and at the same time the said supreme court shall declare the legal punishment for the same crime; and wherever imprisonment shall be part of the sentence for any of the said offences, the term thereof shall commence from the time the person outlawed shall, subsequent to his or her outlawry, actually be in the custody of the sheriff of the county where the offence was or shall be committed, which sentence shall be fully and particularly entered upon the records of the said supreme court; and the said sentence of outlawry shall have the legal effect of a judgment upon verdict, or confession, against the person so outlawed for the offence whereupon he or she shall have been outlawed, unless and until the same outlawry shall be afterwards avoided by the judgment of the same court on plea, pleaded in the nature of a writ of error.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That when any person outlawed as aforesaid shall be taken, either by *capias utligatum* or otherwise, or being in the sheriff's custody, shall be brought to the bar of the supreme court, the court shall, upon the suggestion and prayer of the attorney-general, award execution to be done upon him or her, unless the prisoner shall plead either *ore tenus*, or in writing, as his or her council shall advise, that he or she was not the person who was outlawed, or shall assign errors in fact or in law, sufficient to prevent the award of execution, in which case, the court shall proceed to determine the same, either by an inquest, or by their own judgment, agreeably to law, and the prisoner shall by such plea have all the benefit and advantage of all legal matters in his or her favor, as if he or she had brought a writ of error and had assigned the several matters pleaded as errors.

[Section III.] Provided always nevertheless, and be it further enacted by the authority aforesaid, That if any person outlawed shall, within the space of one year next after the outlawry pronounced against him or her, yield himself or herself to one of the justices of the supreme court and offer to traverse the indictment, whereon the said outlawry shall be pronounced

as aforesaid, that then he or she shall be received to the same traverse, and being thereupon found not guilty, by the verdict of a jury, of the offence for which he or she shall have been outlawed as aforesaid, he or she shall be clearly acquitted and discharged of the said outlawry, and of all penalties and forfeitures by reason of the same, as fully as if no such outlawry had been had, anything hereinbefore contained to the contrary thereof notwithstanding.

[Section IV.] (Section III, P L.) And be it further enacted by the authority aforesaid, That all the costs and charges of the said proceedings to outlawry, shall be borne and paid by the county where the crime is laid to have been committed. Provided always, That if the person or persons so outlawed shall have real or personal estate, the same, or so much thereof as shall be necessary, shall be sold, by warrant from the commissioners of the said county, and the net proceeds of such sales shall be applied to the payment of the said costs and charges, or so far as the same shall extend, in exoneration of the county.

[Section V.] (Section IV, P. L.) Be it enacted by the authority aforesaid, That so much of the act of assembly, entitled "An act for the advancement of justice, and more certain administration thereof,"² as extends the British statute made in the first year of the reign of King James the First, chapter twelve, entitled "An act against conjuration, witchcraft, and dealings with evil and wicked spirits," is hereby repealed.

(Section V, L. P.) And whereas it may happen that persons, from obstinacy, may on their arraignment refuse to plead to indictments or informations found or exhibited against them, or challenge more of the persons summoned as jurors on their trials, than they are legally entitled to, and it being inconsistent with the principles of justice, that such obstinacy should subject any person to capital or other punishment, where all the effects of a plea may be otherwise obtained and the illegal challenge be overruled.

²Passed May 31, 1718. Chapter 236.

[Section VI.] Be it therefore enacted by the authority aforesaid, That if any prisoner shall, upon his or her arraignment for any capital or inferior offence, stand mute, or not answer directly, or shall peremptorily challenge above the number of persons summoned as jurors for his or her trial, to which he or she is by law entitled, the plea of not guilty shall be entered for him or her on the record, the supernumerary challenges shall be disregarded, and the trial shall proceed in the same manner, as if he or she had pleaded not guilty, and for his or her trial had put himself or herself upon the country, any law, custom, or usage to the contrary thereof in anywise notwithstanding.

(Section VI, P. L.) And whereas it sometimes happens that bastard children, begotten out of the state, are born within the state, and others begotten within one of the counties of the state are born in another county, and difficulties have arisen about the place of trial, and it is reasonable and just that the reputed fathers of bastard children should be at the expense of their maintenance:

[Section VII.] Be it therefore enacted by the authority aforesaid, That in the latter case, the prosecution of the reputed father shall be in the county where the bastard child shall be born; and the like sentence shall be passed, as if the bastard child had been or shall have been begotten within the same county; and in the former case, to wit., of a bastard child begotten out of the state, and born within the state, the like sentence shall be passed, except in the imposition of a fine or corporal punishment, in lieu thereof, which part of the sentence shall be omitted.

(Section VII, P. L.) Whereas it is unequal and unjust to offer an alternative for the punishment of offences, whereby the wealthy can be exonerated from corporal and infamous punishments, to which the indigent must be exposed.

[Section VIII.] Be it therefore enacted by the authority aforesaid, That so much of an act of assembly, entitled "An act against adultery and fornication,"³ as declares that whipping,

³See Ante.

imprisonment at hard labor, or branding, shall or may be a part of the sentence, on conviction of adultery, shall be and hereby is repealed, and that from and after the passing of this act, in all cases of conviction for adultery, a fine not exceeding fifty pounds shall be imposed, and in addition thereto, the offender shall be imprisoned for any time not exceeding twelve, nor less than three months.

[Section IX.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That in all cases of felony of death, robbery and burglary, it shall and may be lawful to punish the receivers of such felons, robbers and burglars, by fine and imprisonment, although the principal felon, robber or burglar cannot be taken, so as to be prosecuted and tried for said offences, which conviction and sentence of the said receivers, shall exempt them from being prosecuted as accessories after the fact, in case the principal felon, robber or burglar, shall be afterwards taken and convicted.

(Section IX, P. L.) And whereas it is reasonable and just, that restitution of goods stolen by robbers and burglars, or of their value, should be made to the lawful owners before any forfeitures to the public should take place.

[Section X.] Therefore be it enacted by the authority aforesaid, That wherever any person or persons shall be convicted of robbery or burglary, such person or persons shall be ordered to restore to the lawful owner or owners the goods and chattels so stolen, or to pay to him, her or them the full value thereof, or of so much thereof as shall not be restored, and the forfeiture of his, her or their lands and chattels shall only extend to the residue thereof, after such restitution made as aforesaid, and the owner or owners of goods and chattels stolen as aforesaid, shall have like remedy for restitution, by executions issued by the court in which the attainders shall be had, as is provided by an act of assembly in the case of conviction of larceny, entitled "An act for the advancement of justice, and more certain administration thereof."

(Section X, P. L.) And whereas persons accused of burglary, robbery or larceny frequently have stolen goods in their possession, the owners whereof may not be known, and it is rea-

sonable that such goods should be secured for a time for the benefit of the owners.

[Section XI.] Be it therefore enacted by the authority aforesaid, That when any person shall be accused before a magistrate upon oath or affirmation, of any of the said crimes, and the said magistrate shall have issued his warrant to apprehend such person or persons, or to search for such goods as have been described on oath or affirmation to have been stolen, if any goods shall be found in the custody or possession of such person or persons, or in the custody or possession of any other person or persons, for his, her or their use, and there is probable cause, supported by oath or affirmation, to suspect that other goods which may be discovered on such search are stolen, it shall and may be lawful for the said magistrate to direct the said goods to be seized, and to secure the same in his own custody, unless the person in whose possession the same were found shall give sufficient surety to produce the same at the time of his or her trial, and the said magistrate shall forthwith cause an inventory to be taken of the said goods, and shall file the same with the clerk of that court in which the accused person is intended to be prosecuted, and shall give public notice in the newspapers, or otherwise by advertising the same in three or more public places in the city or county where the offence is charged to have been committed, before the time of trial, noting in such advertisements, the said inventory, the person charged, and time of trial, and if on such trial the accused party shall be acquitted, and no other claimant shall appear or suit be commenced, then, at the expiration of three months, such goods shall be delivered to the party accused, and he, she or they shall be discharged, and the county be liable to the costs of prosecution; but if he or she be convicted of larceny only, and after restitution made to the owner and the sentence of the court being fully complied with, shall claim a right in the residue of the said goods, and no other owner shall appear or claim the said goods, or any part of them, that then it shall be lawful, notwithstanding the claim of the said party accused, to detain such goods for the term of nine months, to the end that all persons having any claim thereto may have

full opportunity to come and, to the satisfaction of the court, prove their property in them, on which proof the said owner or owners, respectively, shall receive the said goods, or the value thereof, if from their perishable nature it shall have been found necessary to make sale thereof, upon paying the reasonable charges incurred by the securing the said goods, and establishing their property in the same; but if no such claim shall be brought, and duly supported, then the person so convicted shall be entitled to the remainder of the said goods, or the value thereof, in case the same shall have been sold, agreeably to the original inventory; but if, upon an attainder of burglary or robbery, the court shall, after due inquiry, be of opinion that the said goods were not the property of such burglar or robber, they shall be delivered, together with a certified copy of the said inventory, to the commissioners of the county, who shall indorse a receipt therefor on the original inventory, register the said inventory in a book, and also cause the same to be publicly advertised, giving notice to all persons claiming the said goods to prove their property therein to the said commissioners, and unless such proof shall be made within three months from the date of such advertisement, the said goods shall be publicly sold, and the net moneys arising from such sale shall be paid into the county treasury for the use of the commonwealth. Provided always nevertheless, That if any claimant shall appear within one year, and prove his or her property in the said goods, to the satisfaction of the commissioners, or, in the case of dispute, shall obtain the verdict of a jury in favor of such claim, the said claimant shall be entitled to recover and receive from the said commissioners or treasurer the net amount of the moneys paid as aforesaid into the hands of the said commissioners, or by them paid into the treasury of this commonwealth.

[Section XII.] (Section XI, P. L.) And be it enacted by the authority aforesaid, That the cost accruing on all bills returned ignoramus by the grand jury of the city or any county in this commonwealth, shall be paid out of the county stock, by the city or county in which the prosecution commenced, and not by

the party charged before such grand jury with any felony, breach of peace, or other indictable offence.

[Section XIII.] (Section XII, P. L.) Be it enacted by the authority aforesaid, That every person and persons who is, are, or shall be held in confinement by order or judgment of any court of this commonwealth for the costs of prosecution, shall be entitled to the benefit of the several acts of assembly of this commonwealth for the relief of insolvent debtors, and may be discharged from personal imprisonment by the court in which such prosecution was or may be had, so far as regards confinement of their bodies for said costs, if such court shall, on consideration of the circumstances of such person or persons, find that he, she or they are or shall be unable to discharge the said costs of prosecution, provided that the like previous notices of such application for discharge from confinement be given to the several persons interested in the said costs, as the law requires where insolvent debtors in other cases apply for such discharge.

[Section XIV.] (Section XIII.) And be it further enacted by the authority aforesaid, That where any person shall be brought before a court, justice of the peace, or other magistrate of any city or county of this commonwealth, having jurisdiction in the case, on the charge of being a runaway servant or slave, or of having committed a crime, and such charge, upon examination, shall appear to be unfounded, no costs shall be paid by such innocent person, but the same shall be chargeable to and paid out of the county stock by such city or county.

(Section XIV, L. P.) And whereas, on the removal of prisoners from one county to another, or from any other government into this state, in order to receive their trials for offences with which they are or may be charged, or for the purpose of safe custody, doubts have arisen by which of the counties, or by whom the expenses of such removal are to be paid, and it is proper and expedient that an equitable rule should be established by law in such cases.

[Section XV.] Be it therefore enacted by the authority aforesaid, That the expenses of such removal of prisoners from

one county to another for trial as aforesaid, shall be borne and paid by the county to which he, she or they shall be thus removed for trial; and wherever by order of the governor, or one of the judges of the supreme court, any person charged with having committed an offence in one county, shall be removed into another county for safe custody, or shall be transported from another state into this state for trial, the expenses of such removals or transportations shall be paid by the state treasurer, on the order of the governor, and the subsequent expenses shall be at the expense of the county where the fact is supposed to have been committed.

(Section XV, P. L.) And whereas the act, entitled "An act to reform the penal laws of this state," hath not made the necessary provision for paying the costs of officers, jurors or witnesses, on public prosecutions, which had been theretofore paid to them, and although it is just and reasonable that in case of convictions of capital offenders, or where imprisonment at hard labor for a length of time is the punishment for the offence, the public should, in case of the defendant's insolvency, be at the charge of the prosecution, yet unnecessary expenses should be avoided.

[Section XVI.] Be it therefore enacted by the authority aforesaid, That in all cases where any person hath been, since the passing of the said recited act, or shall be convicted of any offence or offences, which shall be punishable capitally, or by imprisonment at hard labor, the county where the crime hath been or shall be committed, shall pay the costs of prosecution, if the defendant hath not property sufficient to discharge the same; but where the same person hath been or shall be convicted of divers offences at the same term of sessions, the costs of prosecution on one of the indictments only shall be paid out of the county stock.

[Section XVII.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That this act shall operate as a repeal of any former acts of assembly, and of all other parts of the criminal law of this state and forms of proceedings relative thereto, so far as this act hath altered or supplied

the same. Provided always nevertheless, That all prosecutions, convictions, attainders and outlawries, or other proceedings heretofore duly and legally had or made, or which may be had or made under the former laws of this state, during the existence thereof, shall have the like force and effect, as if this act had not been made, and that in all cases, where by this act any new punishment is declared for any offence, that the said former acts of assembly, and all other parts of the criminal law, shall remain and continue in force, with respect to all such offences as have been committed before the passing of this act.

[Section XVIII.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the mayor and two aldermen of the city of Philadelphia, and two justices of the peace for the county of Philadelphia, to appoint inspectors of the prison of the city and county of Philadelphia; and also to appoint a keeper of the said prison, in pursuance of the act for that purpose made and provided, on the first Mondays of May and November in every year, and on any other days when vacancies shall happen in the said office by death, resignation or otherwise.

[Section XIX.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That the prison inspector, appointed in pursuance of the act in such case provided, and of this act, shall have power, with the approbation of the mayor, two aldermen of the said city and two of the judges of the supreme court, or two of the judges of the court of common pleas of Philadelphia county, to make rules and regulations for the government of all convicts confined in the said prison, not inconsistent with the laws and constitution of this commonwealth, and to prescribe their allowance of provisions, ascertaining the quantity by weight and measure, and not by piece.

Passed Sept. 23, 1791. Recorded L. B. No. 4, p. 216, etc. All but sections 5 (4), 13 (12), 14 (13) and 17 (16) were repealed by the Act of Assembly passed March 31, 1860, Chapter 376, P. L. 1860, p. 452.

CHAPTER MDLXXXIV.

AN ACT TO GRANT RESTITUTION IN VALUE TO THOMAS GORDON, FOR LANDS SOLD BY THE COMMISSIONERS FOR SALE OF FORFEITED ESTATES, LATE THE PROPERTY OF THE SAID THOMAS GORDON.

Whereas by an act, entitled "An act for vesting in Thomas Gordon, his heirs and assigns, certain estates forfeited to this commonwealth, by virtue of his attainder of high treason,"¹ passed the twenty-ninth of March, one thousand seven hundred and eighty-eight; it is declared "that all and every the lands, tenements or other estates real and personal, whatsoever and wheresoever, which were, or would have vested in the aforesaid Thomas Gordon, provided he had never become attainted of high treason, and which, by means of such attainder as aforesaid, have been, or may, or can be forfeited to, and vested in, this commonwealth shall be, and they are hereby, restored to and vested in the aforesaid Thomas Gordon, his heirs and assigns forever, in as full and effectual a manner, to all intents and purposes, as if the said attainder of high treason had never happened, and the claim of this state to said estate, acquired under and by virtue of such attainder, is hereby fully released and forever relinquished;" and whereas it appears that part of the estate of the said Thomas Gordon was sold, by the commissioners for sale of forfeited estates for the county of Philadelphia, on the eighth of November, one thousand seven hundred and eighty, whereby a restitution of the specific property so sold cannot legally be made. Therefore, in order to fulfil the intention of the said act as nearly as may be.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the comptroller-general shall

¹ Chapter 1851.

grant unto Thomas Gordon, or his legal representative, a certificate for the full value of the money received by the commonwealth, for or on account of the sale of the estate of the said Thomas Gordon, according to the scale of depreciation fixed by law, which certificate shall bear an interest of six per centum from the date thereof.

Passed Sept. 27, 1791. Recorded L. B. No. 4, p. 226, etc.

CHAPTER MDLXXXV.

AN ACT TO REGULATE THE TRIALS OF CONTESTED ELECTIONS.

Whereas the constitution of this commonwealth requires that contested elections of members of the senate and house of representatives, shall be determined by a committee of each house, respectively, selected, formed and regulated in such manner as shall be directed by law, and that contested elections of a person to serve as governor shall be determined by a committee, to be selected from both houses of the legislature, also to be formed and regulated in such manner as shall be directed by law.

[Section I.] (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That whenever a petition, signed by at least fifty of the qualified electors of this state, shall be addressed to the legislature, complaining of an undue election, or a false return of a person elected governor, such petition shall be delivered to the speaker of the senate, who shall immediately give information thereof to both houses, the members whereof, on a day and hour to be agreed upon between them, not exceeding ten days from the delivery of such petition, shall convene in a conference room, where the petition shall be read by the speaker of the senate; the names of the members of each house shall then be called over by their re-

spective clerks, and a quorum of both houses being present, the names of all the members of the senate present, shall be written on distinct pieces of paper, as nearly similar as may be, each of which shall be rolled up and put into a box by the clerk of the house of representatives, and placed on the speaker's table, and after being shaken and intermixed, the clerk of the senate shall draw them out, one by one, and put them alternately into three boxes, also placed on the speaker's table, and when the whole number shall be so distributed, the clerk of the house of representatives shall shake and intermix the papers in each box, and shall draw alternately from each box the papers so rolled up, and shall deliver them singly to the speaker of the house of representatives, who shall open and read them aloud, and then deliver them singly to the speaker of the senate, who shall place them open on the table, and a member of each house shall take down in writing the name so called, and shall each of them repeat aloud the name they have so written, until the number of twelve names be drawn out; the names of all the members of the house of representatives present shall then be written on distinct pieces of paper, as nearly similar as may be, each of which shall be rolled up and put into a box, by the clerk of the senate, and placed on the speaker's table, and after being shaken and intermixed, the clerk of the house of representatives shall draw them out one by one, and put them alternately into three boxes, also placed on the table, and when the whole number shall be so distributed the clerk of the senate shall shake and intermix the papers in each box, and shall then draw alternately from each box the papers so rolled up, and shall deliver them singly to the speaker of the senate, who shall open them, and read them aloud, and then deliver them singly to the speaker of the house of representatives, who shall place them open on the table, and a member of each house shall take down in writing the name so called, and shall each of them repeat aloud the name they have so written, until the number of twenty-five members of the house of representatives be completed; but any objection made by either of the parties to any of the members so selected by lot,

shall be sufficient to discharge such member from the service, and another name shall be drawn in lieu thereof, and so shall continue, until the whole number of twelve members of the senate and twenty-five members of the house of representatives shall be completed, and in all cases the members drawn in lieu of those objected to shall be in like manner liable to be set aside, and others drawn in their places. Provided, That if so many shall be set aside upon account of objections to them, that there shall not appear more than a sufficient number remaining to perform the services required by this act, then no further objections shall be admitted.

[Section II.] (Section II, P. L.) Be it enacted by the authority aforesaid, That when the names of twelve members of the senate and twenty-five members of the house of representatives shall have been so drawn, a list of the members so appointed shall be given to each of the parties, who shall immediately withdraw to some adjoining room, with a clerk or member appointed by the joint vote of the members present, where they shall proceed alternately to strike off the names upon the said list, until the number shall be reduced to four members of the senate and nine members of the house of representatives, and, within one hour from the time of so withdrawing, shall deliver to the speaker of the senate, the names of the said four members of the senate and nine members of the house of representatives remaining on the list, who shall then respectively take an oath or affirmation, to be administered by the speaker of the senate, to try the matter of the petition, and to give a true judgment thereon, according to the evidence, unless dissolved in manner hereinafter prescribed; the time and place for the meeting of the select committee, so appointed, shall then be directed by the joint vote of the members of both houses, which time shall be within twenty-four hours of the appointment, Sundays excepted. Provided always, That on the parties withdrawing to form such select committee, the members of both houses shall continue convened, and the members, whose names have been drawn out of the boxes, shall not depart the conference room, without leave, until the time and

place for the meeting of the select committee shall be fixed; and provided also, that previous to the parties withdrawing to form the select committee, the clerk of the house of representatives shall draw out, one by one, the names of the remaining members of the senate and deliver them singly to the speaker of the house of representatives, who shall unfold and read them aloud, and the clerk of the senate shall in like manner draw out the names of the remaining members of the house of representatives, and deliver them singly to the speaker of the senate, who shall unfold them, and read them aloud, and if any unfairness or mistake shall be discovered therein, then the whole proceeding shall be set aside, and the business shall be renewed in manner and form as in hereinbefore directed.

[Section III.] (Section III, P. L.) Be it enacted by the authority aforesaid, That the select committee, so chosen, shall on their first meeting elect a chairman from among themselves, and if in such election there shall be an equal number of voices, the member whose name was first drawn shall have a casting vote, so likewise in case there should be occasion to elect a new chairman, on the death or unavoidable absence of the chairman first appointed; the committee shall sit from day to day, Sundays excepted, at such hours as shall not interfere with their attendance in the legislature, but unless eleven of their number be present, the committee, after waiting one hour, shall adjourn to the next day, and if the number of the committee shall unavoidably be reduced to less than eleven members and shall so continue for the space of three days, Sundays excepted, the committee shall be dissolved and another shall be chosen in manner aforesaid.

[Section IV.] (Section IV, P. L.) Be it enacted by the authority aforesaid, That the select committee shall have power to send for persons, papers and records, to examine all witnesses who may come before them, upon oath or affirmation, which the chairman or clerk of the committee may administer in their presence, and any person guilty of taking a false oath or affirmation before them, or of procuring another so to do, shall, upon conviction, be liable to the same punishment as per-

sons convicted of perjury are liable to by the laws of this commonwealth.

[Section V.] (Section V, P. L.) Be it enacted by the authority aforesaid, That all determinations of the said committee shall be by a majority of votes, as soon as such committee shall have determined whether the election or return referred to them is legal and valid, or the contrary, the chairman shall make two reports thereof in writing, one of which shall be delivered to the speaker of the senate, and the other to the speaker of the house of representatives, which reports shall be entered on the journals of the respective houses, and shall be final and conclusive, and in case such report shall invalidate the election, a new election shall take place on the second Tuesday of October ensuing, agreeably to the constitution, of which the speaker of the senate and the speaker of the house of representatives shall immediately give notice, by their joint writ, directed to the sheriffs of the respective counties, and the sheriffs of the respective counties shall give the usual notice.

[Section VI.] (Section VI, P. L.) Be it enacted by the authority aforesaid, That if any person so appointed a member of a select committee, shall, at the time of such appointment, swear or affirm, that he cannot without great inconvenience serve on such committee, he shall be excused, and another shall be substituted in his place, but if any member of such committee shall neglect to attend upon the committee, their names shall be reported in writing to the house of which they are members, and unless satisfactory reasons are given for their non-attendance, they shall be liable to be reprimanded by the speaker; the doors of the room in which the committee shall meet shall remain open during the examination of witnesses, but may be shut at any other time; when the two houses shall stand adjourned for more than three days the committee may adjourn to the same time.

[Section VII.] (Section VII, P. L.) Be it enacted by the authority aforesaid, That when a petition signed by at least twenty of the qualified electors of the proper district, shall be presented to the senate, complaining of an undue election or

false return of a senator or senators, the like proceeding shall be thereon had in the senate, in selecting a committee by lot, and the like powers and authorities shall be vested in the senate, in relation to such committee, and such committee shall have the like powers and authorities, and be subject to the like rules and regulations, as is hereinbefore directed, in cases of contested elections of a governor, except that the several duties which are hereinbefore directed to be performed by the speaker of the senate and the speaker of the house of representatives, shall be performed by the speaker of the senate, and the several duties which are hereinbefore directed to be performed by the clerk of the senate and the clerk of the house of representatives, shall be performed by the clerk of the senate, and that the number of members of the senate first taken out by lot, shall be thirteen, and that such select committee shall consist of seven members and shall not be dissolved unless reduced to less than five members.

[Section VIII.] (Section VIII, P. L.) Be it enacted by the authority aforesaid, That when a petition, signed by at least twenty of the qualified electors of the proper city and county, shall be presented to the house of representatives, complaining of an undue election or a false return of a member or members of the house of representatives, the like proceedings shall be thereupon had in the house of representatives, in selecting a committee by lot, and the like powers and authorities shall be vested in the house of representatives, with relation to such committee, and such committee shall have the like powers and authorities and be subject to the like rules and regulations, as is hereinbefore directed in cases of contested elections for a governor, except that the several duties which are hereinbefore directed to be performed in such cases by the speaker of the senate and the speaker of the house of representatives, shall be performed by the speaker of the house of representatives, and the several duties which are hereinbefore directed to be performed in such cases by the clerk of the senate and the clerk of the house of representatives, shall be performed by the clerk of the house of representatives, and that the number of mem-

bers of the house of representatives first taken out by lot shall be seventeen, and that the select committee shall consist of nine members, and shall not be dissolved, unless reduced to less than seven members.

[Section IX.] (Section IX, P. L.) Be it enacted by the authority aforesaid, That no petition complaining of an undue election or false return of any person elected governor, senator, or member of the house of representatives, shall be received, unless the same shall be presented within twenty days after the meeting of the legislature, and all such petitions, when received shall be read and laid upon the table without any question being thereupon taken, until the two houses jointly, or each house respectively, as the case may require, shall proceed upon it according to the directions of this act.

[Section X.] (Section X, P. L.) Whereas inconveniences may arise by the neglect of transmitting the returns of the election of governor, for one or more counties, until after the publication of such election by the legislature: Therefore: Be it enacted by the authority aforesaid, That in all cases where such neglect of duty shall happen, and the returns of election aforesaid are not delivered to the speaker of the senate before the election of governor shall be published, every such return, so neglected to be delivered, shall be considered as void, unless the election aforesaid be contested, in which case such return shall be allowed to be of the same validity, and liable to the same exceptions, as other returns, duly delivered.

Passed Sept. 29, 1791. Recorded L. B. No. 4, p. 227, etc. See the Act of Assembly passed March 6, 1793, Chapter 1656.

CHAPTER MDLXXXVI.

AN ACT FOR THE RELIEF OF MARY HARRISON.

Whereas a suspension in the settlement of the claim of Mary Harrison against this state, respecting a certain bond due from Joseph Galloway, has arisen from a construction being at-

tached to the law, which it could not have been within the contemplation of the legislature to apply to this particular case; and whereas a longer delay in the liquidation of this demand would not only be highly prejudicial to the interests of this claimant, but opposed to the principles of distributive justice:

[Section I.] (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the comptroller-general and register-general be, and they are hereby empowered to receive and settle the account of Mary Harrison against the state, according to the plain and precise terms of the obligation given to the said Mary Harrison by Joseph Galloway, bearing date the eighth day of June, one thousand seven hundred and seventy, calculating the rate of exchange, between the cities of London and Philadelphia, at the time of such settlement; and to issue a certificate bearing an interest of six per centum for the amount thereof, any law to the contrary notwithstanding.

Passed Sept. 29, 1791. Recorded L. B. No. 4, p. 232, etc.

CHAPTER MDLXXXVII.

AN ACT TO EXONERATE ROBERT SMITH AND WILLIAM RICHARDS FROM THE PAYMENT OF CERTAIN MONEYS, FOUND DUE TO THE COMMONWEALTH BY A JUDGMENT OF COURT, FROM THE SAID ROBERT SMITH AND WILLIAM RICHARDS, AND FROM ALEXANDER BOYD.

Whereas at the suit of the commonwealth a judgment hath been obtained against Robert Smith, William Richards and Alexander Boyd, in March term, one thousand seven hundred and ninety-one, in the court of common pleas for the city and county of Philadelphia, for the sum of three hundred and seventy pounds, four shillings and two pence, being a balance found due from the said Alexander Boyd, for duties by him received as auctioneer for the northern district of the city of

Philadelphia, for whose faithful conduct in office the said Robert Smith and William Richards became bound to the commonwealth; and whereas the said Alexander Boyd was largely in arrears to the commonwealth at the time of his re-appointment, when the said Robert Smith and William Richards became his sureties, and so continued in arrears for three months and upwards, after the said Robert Smith and William Richards had become his sureties as aforesaid, without being dismissed from his said office of auctioneer, agreeably to the express directions contained in the act of assembly in such case made and provided; and whereas the said Alexander Boyd obtained from some of the officers of government, or by some other means acquired the possession of his former bond, and produced the same to his new bondsmen canceled, as an inducement for them to become his sureties, whereby a false credit was given to the said Alexander Boyd, and government, by the neglect and improper conduct of its officers, participated in the deception; and whereas the binding force of contracts will ever be rendered doubtful, where previous concealment or actual deception hath been practiced, and it would be both unreasonable and unjust to compel payment from men who were kept in ignorance of the risk to which they were exposed: Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the said Robert Smith and William Richards are hereby exonerated and discharged from the payment of the said sum of three hundred and seventy pounds, four shillings and two pence, for which judgment hath been obtained against them at the suit of the commonwealth, and they are hereby empowered to give this act in bar of payment of which all officers and others concerned are required to take notice.

[Section II.] Provided always nevertheless, That nothing in this act contained shall exonerate or discharge the said Alexander Boyd, his estate, or effects, of and from the said judgment; that upon any execution issued thereon, it shall be lawful

for the sheriff to proceed thereon in the same manner, as if the said judgment and execution were against the said Alexander Boyd, severally and solely, without naming his sureties.

Passed Sept. 29, 1791. Recorded L. B. No. 4, p. 233, etc.

CHAPTER MDLXXXVIII

AN ACT TO ENABLE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY, FOR OPENING A CANAL AND LOCK-NAVIGATION BETWEEN THE RIVERS SCHUYLKILL AND SUSQUEHANNA, BY THE WATERS OF TULPEHOCKEN, QUITTAPAHILLA AND SWATARA, IN THE COUNTIES OF BERKS AND DAUPHIN.

Whereas the opening the communication by water for the transportation of the product of the country, and of goods, wares and merchandises between the city of Philadelphia and the western and northwestern counties of the state of Pennsylvania, will greatly tend to strengthen the bands of union between citizens inhabiting distant parts of a country governed by the same free and happy constitution and laws, to the encouragement of agriculture and manufactures and the promotion of commerce; and whereas from reports made by certain commissioners appointed by the late supreme executive council, in pursuance of an act of the general assembly of this commonwealth in such case provided, it appears that the waters of Tulpehocken, Quittapahilla and Swatara, in the counties of Berks and Dauphin, united by means of a canal and locks, will be sufficient for an inland navigation for the purposes aforesaid, and it is reasonable that the expense of procuring so great a convenience should be defrayed by the persons who will derive an immediate benefit by the use of it.

[Section I.] (Section I. P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Henry Drinker, Robert Hare, Joseph Hiester, George Latimer,

George Fry, William Montgomery, and Samuel Miles, be, and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned, that is to say, they shall and may, on or before the first day of December next, procure a book, and therein enter as follows: "We, whose names are hereto subscribed, do promise to pay to the president, managers and company of the Schuylkill and Susquehanna Navigation, the sum of four hundred dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the said president and managers, in pursuance of an act of the general assembly of Pennsylvania, entitled 'An act to enable the governor of this commonwealth to incorporate a company for opening a canal and lock navigation, between the rivers Schuylkill and Susquehanna, by the waters of Tulpehocken, Quittapahilla and Swatara, in the counties of Berks and Dauphin,'" and shall thereupon give notice in three of the public newspapers printed in Philadelphia, one whereof shall be in the German language, for one calendar month at the least, of the time and place when and where the said book will be opened to receive subscriptions of stock for the said company, at which time and place the said commissioners, or any three of them, shall attend, and shall permit and suffer all persons who shall offer to subscribe in the said book, which shall be kept open for at least fifteen days, for any number of shares of the said stock, not exceeding ten by or for any one person or copartnership at one time, and, if need be, shall adjourn from time to time as the said commissioners shall find proper and necessary, until the number of subscriptions shall amount to one thousand shares of stock, and if while the said subscription shall be open, a greater number of shares shall be applied for than will fill up the said number of shares, then the said commissioners shall apportion the whole number of shares previously applied for, by lottery, to and among the persons who shall have subscribed, or offered to subscribe, before the said commissioners shall have declared the subscriptions to be full, and the book closed, and when the said subscription shall be filled to the amount of five hun-

dred shares the said commissioners shall return to the governor of this commonwealth a full and perfect list of all the subscriptions to the said stock, with the number of shares by them respectively subscribed, certified under the hands and seals of the said commissioners.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That whenever five hundred shares shall be subscribed to the capital stock of the company, that then it shall and may be lawful to and for the governor of this commonwealth, by letters patent, under the great seal of the state, to create and erect the said subscribers into one body corporate and politic in deed and in law, with perpetual succession and with all the privileges and franchises incident to a corporation, by the name, style and title of, The President, Managers and Company of the Schuylkill and Susquehanna Navigation, and by such name the said subscribers shall be able and capable, by force of this act and the said letters patent, of exercising all and singular the said privileges and franchises; and moreover, shall be able and capable of holding their said capital stock, and the increase and profits thereof, and of enlarging the same, from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the end and intent of this act; and of purchasing, taking and holding to them, their successors and assigns, in fee simple, or for any lessor estate, all such lands, tenements and hereditaments, as shall be necessary for them in the prosecution of their works; and of doing all and every other act, matter and thing, which a corporation or body politic may lawfully do.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the first seven persons named in the said letters patent shall, as soon as conveniently may be after sealing the same, give notice in three of the newspapers, published in the city of Philadelphia as aforesaid, of a time and place by them to be appointed, not less than thirty days from the time of issuing the said notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by majority of votes of the said

subscribers, by ballots, to be delivered in person or by proxy, one president, twelve managers, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company, for one year, and until other such officers shall be elected, and shall or may make such by-laws, rules, orders and regulations not inconsistent with the constitution and laws of this commonwealth, as shall be necessary for the well ordering the affairs of the said company. Provided always, That no person shall have more than twenty votes in the said elections, or in determining any question arising at such meeting, whatever number of shares he may be entitled unto, and that each person holding one or more shares, under the said number of twenty, shall have one vote for every share by him held.

[Section IV.] Section IV. P. L.) And be it further enacted by the authority aforesaid, That the said company shall meet on the first Monday of January in each succeeding year, at such place within this state as shall be fixed by the rules and orders of the said company to be made as aforesaid, for the purpose of choosing such officers as aforesaid for the ensuing year, and at such other time as they shall be assembled by the managers for the purpose of making such further by-laws, rules, orders and regulations, not inconsistent with the constitution and existing laws of this state, as shall from time to time be necessary, of which meetings previous notice shall be given in such manner as shall be provided by such rules and orders.

[Section V.] Section V, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall procure certificates to be written or printed for every share of the capital stock of the said company, and deliver one to each subscriber signed by the president, and sealed with their common seal, he paying to the treasurer of the company the sum of seventy-five dollars for every share by him subscribed, which certificate shall be transferrable at his pleasure, in the presence of the treasurer of the said company, subject, however, to all payments thereupon due and to grow due, and the holder of every such certificate, hav-

ing first caused the assignment to him to be entered into a book of the company, to be kept for that purpose, shall be a member of the said corporation, entitled to one share of the capital stock and of all the estate and emoluments of the company, and to vote as aforesaid at the general meetings thereof.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall have full power and authority to appoint all officers necessary to supply vacancies by death, resignation, or otherwise, and also to appoint one or more superintendent of the works to be undertaken by them and to hire and employ all such engineers, artists, workmen and laborers as they shall find necessary to carry on the same, and by the said superintendent, engineers, artists, workmen and laborers to enter into and upon all and singular the land and lands covered with the water situate upon, near and between Tulpehocken Creek, in the county of Berks, and Swatara Creek in the county of Dauphin, and to lay out and survey such route or tracks as shall be most practicable for effecting a navigable canal between the rivers Schuylkill and Susquehanna, by means of locks and other devices, doing, nevertheless, as little damage as possible to the grounds and enclosures in and over which they shall pass, and thereupon it shall and may be lawful to and for the said president and managers to contract and agree, with the owners of any lands and tenements, for the purchase of so much thereof as shall be necessary for the purpose of making, digging and perfecting the said canal and of erecting and establishing all the necessary locks, works and devices to such a navigation belonging, if they can agree with such owners; but in case of disagreement, or in case the owner thereof shall be feme covert, under age, non compos mentis, or out of the state, then it shall and may be lawful to and for the said president and managers to apply to two of the justices of the supreme court of this commonwealth, who upon such application, are hereby authorized, empowered, enjoined and required to frame and issue one or more writ or writs, as occasion shall require, in the nature of a writ of "ad quod damnum," to

be directed to the sheriff of the county, in which such lands and tenements shall be, commanding him that by the oaths and affirmations of twelve good and lawful men of his bailiwick, who shall be indifferent to the parties, he shall inquire whether the person or persons owning any lands and tenements necessary to be used by the said president and managers, or which shall be injured in establishing the said canal and navigation, which person or persons shall be named, and which lands and tenements shall be described in such writ or writs, will suffer and sustain any, and what damages by reason or means of taking any lands, tenements, mill, mill pond, water, water-course, or other real hereditaments necessary for the use of the said canal and navigation, and the locks and works thereto belonging, and to return the same writ, together with the finding of the said jury, to the next supreme court of this commonwealth, after such finding; and upon such writ being delivered to the said sheriff, he shall give at least ten days' notice in writing to all and every the owners of the lands and tenements in the said writ described, of the time of executing the same, and shall cause to come upon the premises, at the time appointed, twelve good and lawful men of his bailiwick, who shall be selected in such manner as struck juries usually are, to whom he shall administer an oath or affirmation, that they will diligently inquire concerning the matters and things in the said writ specified, and a true verdict give, according to the best of their skill and judgment, without favor or partiality, and thereupon the said sheriff and inquest shall proceed to view all and every the lands and tenements in such writ specified, and having considered the quantity of land, land covered with water, mills, buildings, or other improvements that shall be necessary to be vested in the said company for the purposes aforesaid, and any water-course then existing, the use whereof will be necessary for the purpose aforesaid, they shall cause the same to be minutely and exactly described by metes and bounds, or other particular descriptions, and shall value and appraise the injury or damages, if any, which the owner or owners of the said lands, tenements, mills, waters, water-courses, buildings or improvements, will, according to

their best skill and judgment, sustain and suffer, by means of so much of the said lands and tenements being vested in the said company, or by means of such improvements being destroyed or rendered useless or of less value, or by means of the said company being permitted to turn such water to fill their canal and locks, or by means of said company being permitted to enlarge any mill-pond, mill-race or other water-course, and to use the same as any for part of their said canal and navigation, or by any other means whatsoever, defining and ascertaining as well all such lands and tenements, liberties and privileges, so to be vested in the said company, as the several sums at which the said injuries and damages shall be so assessed; and the said sheriff and jury shall make an inquisition, under their hands and seals, distinctly and plainly setting forth all the matters and things aforesaid, and the sheriff shall forthwith return the same, together with the said writ, to the office of the prothonotary of the supreme court, and at the first supreme court which shall be held next after the return of any such writ, the justices of the said court shall examine the same, and if the said writ shall appear to have been duly executed and the return thereof be sufficiently certain to ascertain the lands and tenements, rights, liberties and privileges, intended to be vested in the said company, and the several compensations awarded to the owners thereof, then the said court shall enter judgment, that the said company, paying to the several owners as aforesaid the several sums of money in the said inquisition assessed, or bringing the same into the said court, over and besides the costs of such writ, and of executing and returning the same, shall be entitled to have and to hold to them and their successors and assigns forever, all and every the lands, tenements, rights, liberties and privileges in the said inquisition described, as fully and effectually, as if the same had been granted to them by the respective owners thereof, and if any return so to be made, shall not be sufficiently certain for the purposes aforesaid, the said court shall award an inquisition *de novo*.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That wherever the said

canal shall cross any public or private laid out road or highway, or shall divide the grounds of any person into two parts, so as to require a ford or bridge to cross the same, the jury who shall inquire of the damages to be sustained in manner herein directed, shall find and ascertain whether a passage across the same shall be admitted and maintained by a ford, or by a bridge, and on such finding, the said president, managers and company shall cause a ford to be rendered practicable, or a bridge, fit for the passage of carts and wagons, to be built and forever hereafter maintained and kept in repair, at all and every the places so ascertained by the said jury, at the cost and charges of the said company, but nothing herein contained shall prevent any person from erecting and keeping in repair, any foot or other bridge across the said canal, at his own expense, where the same shall pass through his ground, provided the same shall be of such height above the water as shall be usual in the bridges erected by the company, and provided also that such foot or other bridges, so to be erected by the owners of such land, shall not interfere with any of the locks, buildings, or other works of the company.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall have power and authority, from time to time, to fix the several sums of money which shall be paid by the subscriber or holder of every share of the stock of the said company, in part of the sum subscribed, and the time when each and every dividend or part thereof shall be paid, and the place where it shall be received, and shall give at least thirty days' notice in three of the public newspapers, published in the city of Philadelphia, as aforesaid, of the sum or dividend, and the time and place of receiving the same, and if any holder of any share shall neglect to pay such proportions at the place aforesaid, for the space of sixty days after the time so appointed for paying the same, every such share-holder, or his assignee, shall, in addition to the dividends so called for, pay after the rate of five per centum for every month's delay of such payment, and if the same and the said additional penalty, shall not be paid for such space of time as that the accumulated penalties

shall become equal to the sums before paid for and on account of such shares, the same shall be forfeited to the said company, and may and shall be sold by them to any person or persons willing to purchase, for such prices as can be obtained therefor.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said president and managers, and their superintendents, engineers, artists, workmen and laborers, with carts, wagons, wains and other carriages, with their beasts of draft and burden, and all necessary tools and implements, to enter upon the lands contiguous or near to the said tract of the intended canal and navigation, first giving notice of their intention to the owners thereof, and doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damages that may be sustained by the owners of such ground, by appraisement in manner hereinafter directed, and upon a reasonable agreement with the owners, if they can agree, or, if they cannot agree, then upon an appraisement to be made upon the oath or affirmation of three, or, if they disagree, any two indifferent freeholders, to be mutually chosen, or if the owners neglect or refuse to join in the choice, to be appointed by any justice of the peace of the county, and tender of the appraised value, to carry away any stone, gravel, sand or earth, there being most conveniently situate for making or repairing the said canal and navigation, and to use the same in carrying on the said works.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said president and managers of the said company, so soon as the said canal and navigation or any part thereof shall be perfected, to appoint such and so many collectors of tolls for the passage of boats and vessels in, through and along the same, and in such places as they shall think proper, and that it shall and may be lawful to and for such toll collectors and their deputies, to demand and receive, of and from the persons having the charge of all boats and vessels,

and rafts of timber, boards, plank or scantling, passing through the said canal and navigation, and the locks thereto belonging, such tolls and rates for every ton weight of the ascertained burden of the said boats and vessels, and for every hundred feet cubic measure of timber, and twelve hundred feet board measure of boards, plank or scantling, in rafts, as the said president and managers shall think proper at any lock or other convenient place, provided that the amount of all the tolls, from the mouth of Swatara to the mouth of Tulpehocken, shall not exceed in the whole the sum of one dollar for every ton of the burden of such boat or vessel, and for every hundred feet cubic measure of timber, and twelve hundred feet board measure of boards, plank or scantling, and so in proportion for any smaller distance and lesser number of locks, in any interval between the mouths of the said creeks.

And in order to ascertain the tonnage of boats using the said canal navigation, and to prevent disputes between the supercargoes and collectors of tolls concerning the same:

(Section XI, P. L.) Be it further enacted by the authority aforesaid, That upon the request of the owner, skipper, or supercargo of such boat or raft, or of the collector of the said tolls at any lock upon the said canal and navigation, it shall and may be lawful for each of them to choose one skillful person to measure and ascertain the number of tons which the said boat or vessel is capable of carrying, and to mark the same in figures upon the head and stern of the said boat, in colors mixed with oil, and that the said boat or vessel, so measured and marked, shall always be permitted to pass through the said canal and locks for the price per ton to which the number of tons so marked on her shall amount unto, agreeably to the rates fixed in the manner aforesaid, and if the owner, skipper or supercargo of such boat or vessel, shall decline choosing a person, resident within four miles of the place where such toll is payable, to ascertain the tonnage thereof, then the amount of such tonnage shall be fixed and ascertained by the person appointed for that purpose by the said president and managers, or chosen by the said collector of tolls for the said company, and the toll shall be paid according to such measurement, be-

fore any such boat or vessel shall be permitted to pass the lock or place where such toll shall be made payable by the said company.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall wilfully and knowingly do any act or thing, whatsoever, whereby the said navigation, or any lock, gate, engine, machine, or device, thereto belonging, shall be injured or damaged, he or they so offending shall forfeit and pay to the said company fourfold the costs and damages by them sustained, by means of such known wilful act, together with costs of suit in that behalf expended, to be recovered by action of debt, in any court having jurisdiction competent to the sum due.

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the collectors of tolls, duly appointed and authorized by the said president and managers, may stop and detain all boats and vessels using the said canal and navigation, until the owner, skipper or supercargo of the same shall pay the tolls so as aforesaid fixed, or may distrain part of the cargo therein contained, sufficient by the appraisement of two credible persons, to satisfy the same, which distress shall be kept by the collector of the tolls taking the same for the space of five days, and afterwards be sold by public auction, at the most public place in the neighborhood, to the highest bidder, in the same manner and form as goods distrained for rent are by law sold and saleable, rendering the surplus, if any there be, after payment of the said tolls and the costs of distress and sale, to the owner or owners thereof.

[Section XIV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That the president and managers of the said company may demand and require of and from the said treasurer, and of and from all and every other the superintendents, officers, and other persons by them employed, bonds, in sufficient penalties, and with such sureties as they shall by their rules, orders and regulations require, for the faithful discharge of the several duties and trusts to them, or any or either of them, respectively committed.

[Section XV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That the president and managers of the said company, shall keep fair and just accounts of all moneys received by them from the subscribers to the said undertaking, for their subscriptions thereto, and all penalties for delay or non-payment thereof, and of all moneys by them expended in the payment of the costs and charges of procuring and purchasing all estates, rights and titles, in the said company to be vested in pursuance of this act, or by any other means, and in paying their several officers by them to be appointed, and the wages of the different engineers, artists, workmen and laborers by them to be employed, and for the materials and work furnished and done in the prosecution of the works projected by the said company, and shall, once at least in every year, submit such account to the general meeting of the stockholders, until the said canal and creeks therewith connected, shall be rendered navigable, and until all the costs, charges and expenses of effecting the same, shall be fully paid and discharged, and the aggregate amount of such expenses shall be liquidated; and from and after the liquidation thereof, if the one thousand shares above mentioned shall not be sufficient, it shall and may be lawful to and for the said president, managers and company, at a general meeting of the stockholders thereof, held in pursuance of the proceeding provisions, or called by the president and managers of the company for the especial purpose, by public notice in three newspapers in manner aforesaid (which shall be given three months previous to the opening of the said subscriptions) to increase the number of shares to such extent as shall be deemed sufficient to accomplish the object of this act, and to demand and receive such additional subscriptions from the former, or, in case of their neglect or refusal, from new stockholders, and upon such terms, and in such manner, as by the said general meeting shall be agreed upon, and the said president and managers shall also keep a just and true account of all and every the moneys received by their several and respective collectors, of tolls in and through the said canal and navigation, from

the one end thereof to the other, and shall make and declare a dividend of the clear profits and income thereof (all contingent costs and charges being first deducted) among all the subscribers to the said company's stock, and shall, on every the second Mondays of January and July in every year, publish the half-yearly dividend to be made of the said clear profits to and amongst the stockholders, and of the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly.

[Section XVI.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall, at the expiration of every third year from the date of their incorporation, lay before the general assembly of this commonwealth, an abstract of their accounts, showing the whole amount of the capital expended in purchasing real estates, and in digging, erecting and establishing the whole of the said canal, locks and works, and the whole income and profits arising from the said tolls for and during the said periods, together with the exact amount of the contingent charges of supporting, maintaining and keeping the same in repair for the said periods, to the end that the clear annual profits may be known, and if at the end of two years after the said canal and navigation shall be completed, it shall appear that the said clear profits and income will not bear a dividend of six per centum per annum on the whole capital stock of the said company so expended, then it shall and may be lawful to and for the said president, managers and company to increase the tolls hereinabove allowed to them, so much per ton through the whole length of the canal and navigation, and in proportion for each separate part thereof, as will raise the dividends up to six per centum per annum, and at the end of every period of ten years after the said canal shall be completed, they shall render a like abstract to the general assembly of their accounts for three preceding years, and if at the end of any such decennial period it shall appear, from such abstract, that the clear profits and income of the said company will bear a dividend of more than twenty-five per centum per annum, then, and in such case, the said tolls shall be reduced

so much per ton, as will reduce the said clear profits and income to a dividend not exceeding twenty-five per centum per annum.

[Section XVII.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That whenever the profits of the said society shall amount to a clear annual dividend of fifteen per centum on the whole amount of their capital, there shall then be reserved one per centum out of the same, which shall be applied, at the discretion of the legislature, for the establishment of schools, and the encouragement of the arts and sciences, in one or more seminaries of learning, according to the provisions of the constitution.

[Section XVIII.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That if the said company shall not proceed to carry on the said work within the space of two years from the passing of this act, or shall not, within the space of ten years from the passing of this act complete the same canal and navigation, so as to open an easy and safe water communication from the mouth of Swatara to the mouth of Tulpehocken, navigable for boats of at least seven tons burden, then, and in either of those cases, it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights, liberties and privileges hereby granted to the said company.

Passed Sept. 29, 1791. Recorded L. B. No. 4, p. 234, etc. See the Act of Assembly passed February 12, 1795, Chapter 1792.

CHAPTER MDLXXXIX.

AN ACT TO PROVIDE FOR COMPLETING THE REPAIRS OF THE WHARF NEAR THE STATE HOSPITAL, AND FOR PAVING THE FOOTWAYS ROUND THE STATE-HOUSE SQUARE, AND FOR OTHER PURPOSES.

Whereas the sum appropriated by an act, entitled "An act to supply the deficiencies in certain appropriations hereafter made, and for other purposes therein mentioned,"¹ enacted the

¹ Chapter 1563.

thirteenth day of April, one thousand seven hundred and ninety-one, is found insufficient to complete the repairs of the wharf near the state hospital, it becomes necessary that a further sum be granted for the purpose aforesaid, and for raising the causeway leading from the same.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor be, and he is hereby, authorized to draw a warrant on the state treasurer for the sum of fifty pounds, to be applied to the purposes aforesaid.

[Section II.] (Section II, P. L.) Be it further enacted by the authority aforesaid, That the governor be, and he is hereby, authorized to contract with a suitable person or persons to procure materials, and to pave the footway round the state-house square, at such time or times as the commissioners of the city of Philadelphia shall be paving the cartways of the several streets which surround the state-house, and to draw warrants from time to time on the state treasurer for such sum and sums as may be necessary to complete said pavement.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the state treasurer be, and he is hereby, authorized and directed to pay the warrants drawn by the governor, by virtue of this act, out of the moneys appropriated for the expenses of government.

(Section IV, P. L.) And whereas it would contribute to the embellishment of the public walks in the state-house garden, and may conduce to the health of the citizens, by admitting a freer circulation of air, if the east and west walls of the said garden were lowered and palisadoes placed thereon.

(Section IV.) Be it enacted by the authority aforesaid, That the mayor, aldermen and citizens of Philadelphia shall, at the expense of the said citizens, have power to take down the wall on the east and west side of the state-house yard, within three feet of the pavement, and erect thereon good and substantial palisadoes of iron, fixed on a stone capping, to be placed by them on such wall so prepared as aforesaid.

Passed Sept. 30, 1791. Recorded L. B. No. 4, p. 246, etc.

CHAPTER MDXC.

AN ACT ERECTING NEW ELECTION DISTRICTS IN THE COUNTIES OF WESTMORELAND, ALLEGHENY, BERKS AND NORTHUMBERLAND, AND ALTERING THE PLACE OF HOLDING THE ELECTION IN THE SECOND DISTRICT IN CUMBERLAND COUNTY.

Whereas the freemen of Turbutt, Derry and Washington townships, and that part of Muncy township which is eastward of Wallace's run, in the county of Northumberland, and the freemen of the upper part of the fourth election district in the county of Northumberland, aforesaid, have, by their petition, set forth that they labor under very great inconveniences on account of the distance many of them live from the place of holding the annual election, and by means of the troublesome streams of water which they have been obliged to pass over in their way to the said election: For remedy whereof:

[Section I] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the townships of Turbutt, Derry and Washington, and that part of Muncy which lies eastward of Wallace's run, in the county of Northumberland aforesaid, shall from and after the passing of this act, be struck off and separated from the second and fourth election districts in the said county, and be established and erected into a separate district, called the eighth election district in said county, and that the freemen of the said eighth district hereby erected, shall hold their elections at the house now occupied by David Shannon, in Turbutt township aforesaid, anything in any former law or laws to the contrary notwithstanding.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That all the freemen living within the following bounds, viz., beginning at a point on the Allegheny mountain, north from the head of Manning's run; thence down Manning's run; thence by a south line to the head of the

said run, to the west branch of the river Susquehanna; thence across the same by a south line until said line intersects the line of the fifth election district in the county aforesaid; thence by the line of the said fifth district to the line of Mifflin county, to include all those parts that are west and north of the said lines in the county of Northumberland aforesaid, shall be struck off and separated from the fourth election district and established and erected into a separate district, called the ninth election district in the county of Northumberland aforesaid; and that the freemen of the said ninth district, hereby erected, shall hold their annual election at the house now occupied by Hugh Andrew, in Pine Creek township, in the county of Northumberland, anything in a former law or laws to the contrary notwithstanding.

(Section III, P. L.) And whereas the freemen of Teboyne township, in the county of Cumberland, have, by their petition, set forth that by a law passed the thirteenth day of September, one thousand seven hundred and eighty-five, which erected the second election district in the county aforesaid, composed of the townships of Rye, Teboyne and Tyrone, and directed them to hold their annual election at the house now occupied by William McClure, Esq., in Tyrone township, and that by a subsequent act of the legislature, the townships of Rye and Greenwood, in the county aforesaid, were erected into a separate election district, which renders the present place of holding their elections inconvenient: For remedy whereof:

[Section III.] Be it enacted by the authority aforesaid, That the freemen of Teboyne and Tyrone townships shall, from and after the enacting hereof, meet and hold their annual election at the house now occupied by George Robinson, in Tyrone township, in the county of Cumberland, anything in any former law or laws to the contrary notwithstanding.

(Section IV, P. L.) And whereas the freemen of Washington and Franklin townships, and the freemen of that part of the first and second election districts which lie north of the Laurel Hill, in the county of Westmoreland, have by their petitions, set forth that they are situate at too great a distance from the

place where by law they are obliged to hold their annual election: For remedy whereof:

[Section IV.] Be it enacted by the authority aforesaid, That from and after the enacting hereof, the townships of Washington and Franklin, in the county of Westmoreland aforesaid, shall be established and erected into a separate election district, and the freemen of the said district hereby erected, shall, from and after the enacting hereof, meet and hold their annual election at the house now occupied by David Finley, on the division line of said townships, anything in any former law or laws to the contrary notwithstanding.

[Section V.] (Section V. P. L.) And be it further enacted by the authority aforesaid, That the freemen living within the following bounds, viz: beginning at the Laurel Hill, and by the creek commonly known by the name of Tubmill creek, down to where it empties into the Conemaugh river, and down said river to the Chestnut ridge, and by said ridge extending out, agreeable to the division of Wheatfield and Armstrong townships, shall be struck off and separated from the first and second election districts in Westmoreland county, and established and erected into a separate election district in the said county, and the freemen of the said district hereby erected, shall, from and after the enacting hereof, hold their annual elections at the house now occupied by Robert Rodgers, in Wheatfield township, anything in any former law or laws to the contrary notwithstanding.

(Section VI, P. L.) And whereas the freemen of a part of Moon township, in the county of Allegheny, have by their petition represented that it is inconvenient for them to attend their general election at the town of Pittsburg: For remedy whereof:

[Section VI.] Be it enacted by the authority aforesaid, That the freemen within that part of Moon township, beginning at the mouth of Flaugherty's run; thence up said run to Broadhead's road; thence in a straight line to the house of John Short, including the same, on the great road leading from Pittsburg to Montgomery's mill on Racoon creek; thence along said road to that point thereof where the county line crosses the

same; thence along the said county line to the Ohio river; thence up the said river to the place of beginning; shall be struck off and separated from the first election district, and erected and established into a new election district called the fourth election district in Allegheny county, and the freemen of the said district hereby erected, shall hold their annual election at the house now occupied by Colonel Samuel Wilson, anything in any law or laws to the contrary notwithstanding.

(Section VII, P. L.) And whereas the freemen of Union, Caernarvon and Robeson townships, in the county of Berks, have by their petition set forth that it is inconvenient for them to attend the annual election at the borough of Reading: For remedy whereof:

[Section VIII.] Be it enacted by the authority aforesaid, That the freemen of Union, Caernarvon and Robeson townships, in the county of Berks, shall, from and after the enacting hereof, meet and hold their annual election at the house now occupied by Isaac Bonsall, in Robeson township aforesaid, anything in any law or laws to the contrary notwithstanding.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That all the districts hereby erected or altered shall be entitled to like privileges as the constitution and laws of this commonwealth grant to the other districts within this commonwealth, anything in the election laws of this state to the contrary in anywise notwithstanding.

Passed Sept. 30, 1791. Recorded L. B. No. 4, p. 247, etc.

CHAPTER MDXCI.

AN ACT FOR THE RELIEF OF THE ESTATE OF SARAH CALDWELL,
AND ALSO FOR THE RELIEF OF MARY BEERE, JAMES STEEN,
AND JOHN THOMPSON.

Whereas in and by a certain act of assembly passed at Philadelphia the fourth day of October, in the year of our Lord one thousand seven hundred and eighty-eight, entitled

"An act for the relief of Sarah Caldwell,"¹ it is recited that it appeared that the said Sarah Caldwell on the eighteenth day of January, in the year of our Lord one thousand seven hundred and eighty-eight, was the holder of certain certificates issued from the office of the comptroller-general of the state of Pennsylvania, agreeably to the act of general assembly passed the first day of March, in the year of our Lord, one thousand seven hundred and eighty-six, which certificates amounting in the whole to the sum of two thousand five hundred and thirteen pounds, twelve shillings and six pence, are severally and particularly specified and described in the said recited act: And whereas it is further recited, in and by the said act, that she, the said Sarah Caldwell, on the same day lost the said certificates and that it was probable that they had totally perished: And whereas it was, amongst other things, provided and enacted, in and by the said recited act, that the interest accrued and to accrue on the said sum, should be paid to the said Sarah Caldwell, or her legal representatives, upon certain terms and conditions, which she, the said Sarah Caldwell, now deceased, in her life time did enter into and comply with: .

And whereas it has been represented by Mary Beere, of the city of Philadelphia, widow, that she lost about five years ago, a certificate of this state, commonly called new loan certificate number eight hundred and sixty-five, for the sum of thirty-two pounds sixteen shillings and three pence.

And whereas it has been represented by James Steen, of the county of Chester, that a certificate of this state, commonly called new loan certificate, number fourteen thousand two hundred and eighty-three, dated the twenty-third day of March, one thousand seven hundred and eighty-seven, for the sum of twenty-nine pounds sixteen shillings and three pence, which certificate was the property of him, the said James Steen, was on the eighteenth day of December, one thousand seven hundred and eighty-eight, lost and probably destroyed.

And whereas it has been represented by John Thompson, of the county of Bucks, that on the twentieth day of October, in the year of our Lord one thousand seven hundred and eighty-

¹Chapter 1381.

nine, he was robbed of certain certificates issued by this commonwealth, commonly called new loan certificates, of the numbers and for the sums hereinafter mentioned, that is to say: number three thousand five hundred and ninety-three, for the sum of ninety-seven pounds ten shillings; number three thousand five hundred and ninety-four, for the sum of fifty pounds twelve shillings and six pence; number three thousand five hundred and ninety-five for the sum of twenty pounds twelve shillings and six pence; number three thousand five hundred and ninety-six, for the sum of sixty pounds three shillings and two pence; number three thousand five hundred and ninety-seven, for the sum of one hundred and thirty-three pounds seventeen shillings and eleven pence; number three thousand five hundred and ninety-eight, for the sum of twenty-three pounds three shillings and ten pence; number three thousand five hundred and ninety-nine, for the sum of twelve pounds sixteen shillings and nine pence; number three thousand six hundred, for the sum of six hundred pounds; number three thousand six hundred and one, for the sum of twenty pounds one shilling and seven pence; number two hundred and eighty, for the sum of three hundred pounds; number eight thousand six hundred and fifty-four, for the sum of twenty-one pounds eleven shillings and three pence; number eight thousand six hundred and fifty-five, for the sum of one pound eight shillings and one penny; and number eight thousand six hundred and fifty-one, for the sum of nine pounds sixteen shillings and nine pence.

And whereas it has been certified by the comptroller-general that the said certificates have not been produced or exchanged at his office.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That upon sufficient security being given to the governor by the respective claimants aforesaid, to indemnify the commonwealth against the said certificates, and on the same being duly certified by the secretary of the commonwealth, to the comptroller-general, the said comp-

troller shall, if so required to do by the said claimants, or their legal representatives, deliver up the certificates of the United States, which were received by the state in exchange for the above mentioned new loan certificates, to the state treasurer, for the time being, who shall forthwith subscribe, in the name of the commonwealth, and in trust for the legal representatives of the original owners of the said new loan certificates, the said certificates of the United States, together with the interest due to said claimants on the same, to the loan proposed by congress to domestic creditors, and shall pay to the legal representatives of the aforesaid Sarah Caldwell, and to Mary Beere, James Steen and John Thompson, or to their legal representatives, the interest accrued, or that may hereafter accrue, on the stock of the United States, created by such subscriptions, respectively, whenever the same shall be paid to him by the United States.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said interest money so as aforesaid to be paid to the said legal representatives of Sarah Caldwell, to Mary Beere, James Steen and John Thompson, or their legal representatives, shall, as often as it shall be so paid, be deemed and taken, and it is hereby declared, to be to the same uses as they held the said certificates immediately before the loss thereof, and the said legal representatives of Sarah Caldwell, the said Mary Beere, James Steen and John Thompson, and such their legal representatives, who may receive such interest money, shall be accountable to the person or persons respectively who had any legal or equitable interest in the said certificates, for his or their proportionable parts of such interest money.

Passed Sept. 30, 1791, Recorded L. B. No. 4, p. 250, etc.

CHAPTER MDXCII.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT FOR DIRECTING THE MODE OF DISTRIBUTING THE DONATION LANDS PROMISED TO THE TROOPS OF THIS COMMONWEALTH."¹

Whereas, since the boundary line between this state and the state of New York has been run, it appears that a number of the surveys, made in pursuance of the act to which this is a supplement, have fallen within the state of New York, whereby the intentions of the legislature have in those instances been frustrated, and some of the meritorious objects of its bounty disappointed of their reward.

[Section I.] (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the surveyor-general shall be, and he is hereby authorized and required to ascertain, and report to the governor, as soon as may be, what number of patents have been granted by the commonwealth for lands of the description aforesaid, which have fallen in the state of New York, together with the number of acres contained in each such patent, and the names of the persons who obtained the same, and upon such report being made, it shall be lawful for the governor, and he is hereby requested, to cause the same report to be printed in at least three newspapers published in the city of Philadelphia, giving at the same time notice to all persons concerned to apply before the first day of next December, upon which day the surveyor-general is empowered and enjoined to ascertain, by lot, in such manner as shall be prescribed by the governor, the order of priority, according to which the persons who shall have thus applied shall proceed to choose other lands, instead of those they have thus lost.

[Section II.] (Section II, P. L.) Be it further enacted by the authority aforesaid, That the several persons who shall have

¹Passed March 24, 1785, Chapter 1139.

thus applied, shall, according to the order of priority fixed by virtue of the preceding section, choose a lot or lots, containing like quantity of acres with the lot or lots they may have lost, out of any of the tracts already surveyed and not otherwise disposed of, within that part of the state appropriated as a donation to certain officers and soldiers, by virtue of the act, entitled "An act for the sale of certain lands therein mentioned for the purpose of redeeming and paying off the certificates of depreciation given to the officers and soldiers of the Pennsylvania line, or their representatives and for appropriating certain other lands therein mentioned, for the use of the said officers and soldiers, to be divided off to them severally at the end of the war."²

[Section III.] (Section III, P. L.) Be it further enacted by the authority aforesaid, That when the persons aforesaid shall have thus made their choice, patents for the same shall be respectively granted to them, without any fees, provided that no individual shall be entitled to receive such patent or patents, until he has previously returned the patent or patents formerly granted to him for lands that have fallen in the state of New York, in order that the same may be cancelled, and has also given a quit-claim to the commonwealth, for any compensation he may be entitled to on account of his loss.

Passed Sept. 30, 1791. Recorded L. B. No. 4, p. 253, etc. See the Acts of Assembly passed April 10, 1792, Chapter 1644.

CHAPTER MDXCIII.

AN ACT TO PROVIDE MORE EFFECTUALLY FOR THE PAYMENT OF THE PUBLIC DEBTS AND OBLIGATIONS.

Whereas the appropriations that have heretofore been made, for discharging the debts and obligations of the commonwealth, will probably prove inadequate to the accomplishment of that important object, by reason of the slow and precarious

²Passed March 12, 1783, Chapter 1007.

produce of some of the branches of the public revenue and the total cessation of others. In other, therefore, to provide effectually for the preservation of the faith of the commonwealth, and to give such energy and stability to the arrangements of her finances, as will merit and secure the confidence and approbation of every class of public creditors.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the comptroller general and register general of the commonwealth for the time being, under the direction and control, and with the approbation of the governor, to enter into a bargain or bargains for selling by private contract, at such periods, and in such sums as the governor shall direct or approve, so much of the deferred stock, or of the three per centum stock of the United States, the property of this state, as will be necessary and sufficient to make good the deficiencies that have arisen, or that may arise, in the funds heretofore appropriated by law for the payment of any public debt or obligation, which is now due or which must become due prior to the first day of January, in the year one thousand seven hundred and ninety-two, for discharging the amount of the moneys received, or which shall hereafter be received on account of the loan obtained by the governor from the president, directors and company of the Bank of North America, and for paying any warrant or warrants already drawn, or that may be drawn, by virtue of any law or laws heretofore enacted, on the funds appropriated for claims and improvements. Provided always, That in disposing of the said stock as aforesaid, the deferred part thereof shall not be sold at a rate of exchange less than one hundred and twenty pounds, in gold or silver, nor the three per centum stock at a rate of exchange less than one hundred and fifteen pounds in gold and silver, for every two hundred pounds in the nominal amount thereof. And provided further, That the proceeds of any sale or sales of stock, made in pursuance of this act, shall immediately and exclusively be applied to the

satisfaction and extinguishment of the debt or obligation, on account of which the same shall be sold as aforesaid.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That whenever the said comptroller general and register general shall, in pursuance of this act, and under the restrictions herein contained, contract for the sale of any quantity of stock as aforesaid, and such contract is approved by the governor, it shall and may be lawful for the governor to draw a warrant or warrants upon the state treasurer in favor of the purchaser and purchasers thereof, specifying the amount and amounts of the stock contracted to be sold, the price and prices to be paid for the same, and the debt and debts to which the proceeds thereof are to be applied, and requiring the said treasurer, upon receiving the stipulated price and prices for which the said stock shall be sold, to transfer to the purchaser or purchasers thereof, the specified amount and amounts of stock, according to the forms in that behalf established at the treasury of the United States, and the said treasurer is hereby authorized and required, upon the receipt of the said stipulated price and prices, to make the transfer and transfers directed by such warrant and warrants in manner aforesaid, and forthwith to apply the money so received by him to the payment and discharge of the specific debt and debts, on account of which the sale of the said stock has been made as aforesaid. Provided always, That nothing in this act contained shall be construed, deemed or taken, to alter or annul any former appropriation or appropriations of the revenues of this commonwealth, but that such appropriation and appropriations shall be and remain inviolably directed to answer and accomplish the respective objects thereof, according to the true intent and meaning of the law and laws by which the same have heretofore been made, and with the like operation and effect as if this act had never been passed.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That in case any difference of opinion should arise between the register general and comptroller general, relative to the duties hereinbefore directed and required to be done by them, they shall, and are hereby, re-

quired to apply forthwith to the governor, for his orders and directions therein, which orders and directions shall in such cases indemnify and save harmless the said officers, and they are hereby required and enjoined to pay obedience thereto.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said comptroller general and register general shall keep fair and regular accounts of the sale and sales of stock made in pursuance of this act, and shall present the same from time to time to the governor for his examination, in like manner as other public accounts are presented, and the governor shall render a full and exact report and statement of his proceedings in the premises, specifying the object, the time, the price and the amount of each sale of stock, unto the general assembly, within the first week of the next session thereof, and at such other times as either branch of the legislature shall require.

Passed Sept. 30, 1791. Recorded L. B. No. 4, p. 255, etc.

CHAPTER MDXCIV.

A SUPPLEMENT TO AN ACT, ENTITLED "AN ACT TO REPEAL SO MUCH OF ANY ACT OR ACTS OF ASSEMBLY OF THIS COMMONWEALTH AS DIRECTS THE PAYMENT OF THE NEW LOAN DEBT, OR THE INTEREST THEREOF, BEYOND THE FIRST DAY OF APRIL NEXT, AND FOR OTHER PURPOSES THEREIN MENTIONED."¹

Whereas the act to which this is a supplement provides that no continental certificate, formerly loaned to this state, shall be returned or delivered, until the interest paid by this state on the certificate or certificates issued by this commonwealth in lieu thereof shall be equalized, and the overplus or balance, beyond what has been in every such case received by this state from the United States, shall be paid in indents of the United States to the comptroller general, for the use of this state: And whereas, it has been represented to the legislature

¹ Passed March 27, 1789, Chapter 1415.

that sundry holders of the said certificates, issued by this state, commonly called new loan certificates, have presented the same to the comptroller general to be exchanged agreeably to the provisions of the said recited act, but have not been able to procure and pay a sufficient sum in the indents of the United States, in order to entitle them to the return and redelivery of their respective continental certificates, in lieu of which the said new loan certificates were issued as aforesaid, although they are ready and desirous to pay the amount of the said overplus or balance, which shall or may be chargeable against them, respectively, in the three per cent. stock of the United States: And whereas an accommodation to such holders of the said new loan certificates, by receiving the said three per cent. stock in lieu of the said indents of the United States, cannot be productive of any detriment to the public interests: Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be lawful for the comptroller general, and he is hereby required, to return and deliver to the proper claimant and claimants, the respective continental certificates, in lieu whereof the said new loan certificates were issued as aforesaid, upon payment or transfer being duly made by such claimant or claimants, respectively, to this commonwealth, for the use thereof, of so much of the three per cent. stock of the United States, as shall be equivalent to the sum, in and by the said recited act, required to be paid in indents of the United States, for the overplus or balance of the interest paid by this state on the certificates issued by the commonwealth, beyond what this state has received from the United States on the said continental certificates, respectively. Provided always, That if any interest has been received upon the said three per cent. stock so to be paid and transferred as aforesaid, since the first day of January last past, a sum in specie, equal to the amount of the interest so received, shall also be paid by the said proper claimant and

claimants, respectively, for the use of the commonwealth, before he or they shall be entitled to have and enjoy any benefit or accommodation by virtue of this act.

[Section II.] (Section II, P. L.) Be it further enacted by the authority aforesaid, That whenever a balance may be due by the commonwealth to such claimant or claimants, for the overplus or balance of the interest received by the state from the United States on the said continental certificates, respectively, beyond the interest paid by this state on the certificates issued by the commonwealth, the comptroller general may either pay such balance in indents, or, if agreeable to the parties, certify the amount of such balance or balances, respectively, to the state treasurer, who shall thereupon transfer to the claimant or claimants an amount of the three per cent. stock of the United States, the property of this state, equivalent to such balance or balances respectively.

Passed Sept. 30, 1791. Recorded L. B. No. 4, p. 257, etc.

CHAPTER MDXCV.

AN ACT TO REGULATE THE INSPECTION OF FLOUR IN CERTAIN WESTERN COUNTIES OF THE STATE.

Whereas the law heretofore authorizing the appointment of inspectors of flour in certain western counties of this commonwealth, which was passed on the nineteenth day of March, in the year one thousand seven hundred and eighty-three, has ceased to operate, but it is expedient and necessary that regulations should be permanently established to preserve the credit of so valuable an article of trade: Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor shall forthwith appoint and commission a person of good character and

competent abilities, to be the inspector of flour in and for the counties of Westmoreland, Washington, Allegheny and Fayette, who shall enter upon the duties of his office from and after the first day of December next.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said inspector, or some or one of his deputies, shall examine and inspect all the flour which shall be manufactured for exportation in any of the counties aforesaid, before the same shall be exported therefrom, or conveyed out of the state, and in so doing, he and they and every of them, within their respective districts, shall perform the like duties, shall have and exercise the like powers and authorities, shall conform to the like rules and regulations, except as to the stamp on the plugs, which shall be marked with the letters W. P., and shall be subject to the like fines and penalties, as are prescribed with regard to the inspector of the port of Philadelphia, and his deputies in and by an act, entitled "An act to prevent the exportation of bread and flour not merchantable, and for repealing, at a certain time, all the laws heretofore made for that purpose."¹

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall export or convey any flour out of the state, from the said counties, or any of them, by means of the Ohio river, or of any waters communicating therewith, before the same shall be duly examined and inspected as aforesaid, he or they shall forfeit and pay for every cask or barrel of flour so exported or conveyed, the sum of five shillings, to be recovered in the same manner that debts under ten pounds may by law be recovered, one-half thereof to the use of the person or persons who shall give information upon the subject to the said inspector, or any of his deputies, and the other half to the use of the said inspector.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said inspector, or the deputies by him appointed, within their respective districts, shall be allowed and receive the sum of three pence for each

¹Passed April 5, 1781, Chapter 936.

cask or barrel of flour which he or they shall actually examine and inspect, at any harbor, mill, or landing place, within the said counties, and all millers, or other persons engaged in the exportation of flour as aforesaid, are hereby required and enjoined to conform to the like regulations, and are declared to be subject to the like fines, forfeitures and penalties, as are prescribed in and by the said recited act, in the case of exporters of flour from the said port of Philadelphia, excepting only the rules as are prescribed, and the penalties which are to be incurred in virtue of the ninth, tenth and thirteenth sections of an act, entitled "An act to prevent the exportation of bread and flour not merchantable, and for repealing, at a certain time, all the laws heretofore made for that purpose."¹

Passed Sept. 30, 1791. Recorded L. B. No. 4, p. 258, etc.

See Acts of Assembly passed April 5, 1781, Chapter 934; and March 19, 1783, Chapter 1017.

CHAPTER MDXCVI.

AN ACT APPOINTING OTHER COMMISSIONERS TO RUN THE BOUNDARY LINE BETWEEN THE COUNTIES OF HUNTINGDON AND MIFFLIN, ON THE SOUTH SIDE OF JUNIATA.

Whereas it has been represented to the legislature, that great uneasiness hath arisen in some parts of the counties of Huntingdon and Mifflin, for want of the boundry line being run between said counties, agreeably to the act of assembly passed the first day of April, one thousand seven hundred and ninety-one, entitled "An act for the better ascertaining the boundry line between the counties of Huntingdon and Mifflin:"² And whereas it further appears that the commissioners appointed by said act, to run the boundry line aforesaid, labor under great difficulties, two of them residing in said counties, which circumstance places them in an improper situation to decide in matters in which the expectations of their constituents are so

¹See Ante.

²Chapter 1544.

immediately concerned, the age and indisposition of the third puts it out of his power to attend, so as to give his assistance in the premises, as soon as the situation and circumstances of those concerned seem to require: Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor be, and he is hereby empowered to appoint three commissioners, in the room, place and stead of James Cunningham, David Stewart and John Oliver, Esquires, to run the boundary line between the counties of Huntingdon and Mifflin, on or before the twenty-fifth day of November next, under the same rules and directions contained in the act of assembly passed the first day of April, one thousand seven hundred and ninety-one, entitled "An act for the better ascertaining the boundry line between the counties of Huntingdon and Mifflin."¹

Passed Sept. 30, 1791. Recorded L. B. No. 4, p. 260, etc.

CHAPTER MDXCVII.

AN ACT TO REIMBURSE TO THE MAYOR, ALDERMEN AND CITIZENS OF PHILADELPHIA, AND TO THE COMMISSIONERS OF THE COUNTY OF PHILADELPHIA, THE EXPENSES ACCRUED IN PROVIDING FOR THE TEMPORARY ACCOMMODATION OF THE PRESIDENT AND CONGRESS OF THE UNITED STATES OF NORTH AMERICA, IN THE CITY OF PHILADELPHIA, AND TO ENABLE THE GOVERNOR TO MAKE FURTHER PROVISION FOR THE ACCOMMODATION OF THE SAID PRESIDENT.

Whereas the mayor, aldermen and citizens of Philadelphia, and the commissioners of the county of Philadelphia, have expended divers sums of money during the recess of the legislature of this state, in fitting up and furnishing several build-

¹See Ante.

ings for the reception and accommodation of the president and the two houses of the legislature of the United States of America, and their officers, in a manner that meets the approbation of the legislature of this state, and it is consistent with the honor and dignity of the state to make provision for the reimbursement of those expenses, and for the better and more commodious accommodation of the president, during his residence in the city of Philadelphia.

[Section I.] (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That in order to reimburse the mayor, aldermen and citizens of Philadelphia, and the commissioners of the county of Philadelphia, the expenses already incurred in fitting up and furnishing several buildings in the city of Philadelphia, for the reception and accommodation of the president of the United States and the two houses of the legislature thereof, and to provide and prepare suitable accommodations for the president of the United States, during his residence in the city of Philadelphia, it shall and may be lawful for the governor, and he is hereby authorized and required to borrow a sum not exceeding twenty thousand pounds, upon the credit of the revenue arising from vendues, which revenue he shall and may pledge on such terms, and for such time and times, as may be necessary to obtain the said loan, and to secure the repayment thereof, and the proceeds of the said loan, as soon as the same is obtained, shall be paid into the treasury of the commonwealth, and be there held subject to the draft and drafts of the governor, for the purpose of repaying the expenses incurred as aforesaid, and of purchasing a lot or lots west of Ninth street, in the city of Philadelphia, and thereon erecting a building or buildings, suitable for the accommodation of the president of the United States, and the governor is hereby further authorized and required to make the said purchase, and to cause the said building and buildings to be thereon erected, and in so doing, to make all necessary and proper contracts to employ or cause to be employed all necessary artists and workmen, to appoint, employ and pay

an agent or agents to superintend the erection of the said building and buildings. Provided always, That the whole expenses to be incurred for the several purposes aforesaid, shall not exceed the said sum of twenty thousand pounds, and that if the said sum should prove more than sufficient to accomplish the objects of its appropriation, the surplus thereof shall remain in the treasury for the use of the commonwealth.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the governor shall have full power and authority to lease the said lot and lots, and the building and buildings thereon to be erected as aforesaid, and the rents arising therefrom, as the same accrues and becomes payable, shall be paid into the treasury of the commonwealth, and from time to time shall be applied, upon the drafts of the governor, towards the repayment of the said sum of twenty thousand pounds.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the governor shall report to the legislature, as soon as may be, the terms on which he shall have borrowed the said sum of twenty thousand pounds, the situation and price of the lot or lots of ground purchased in pursuance of this act, and the plan of the building and buildings thereon to be erected, together with an estimate of the expense of erecting the same, and he shall cause the agent or agents by him employed as aforesaid, to keep fair and exact accounts of all moneys disbursed in pursuance of this act, and such accounts to exhibit at least once in every three months to the register general, to be examined and settled in like manner as other public accounts, and the said lot or lots of ground and buildings thereon erected, shall be and remain the estate and property of this commonwealth.

Passed Sept. 30, 1791. Recorded L. B. No. 4, p. 261, etc.

CHAPTER MDXCVIII.

AN ACT TO UNITE THE UNIVERSITY OF THE STATE OF PENNSYLVANIA AND THE COLLEGE, ACADEMY AND CHARITABLE SCHOOL OF PHILADELPHIA, IN THE COMMONWEALTH OF PENNSYLVANIA.

Whereas the trustees of the University of the state of Pennsylvania and the trustees of the College, Academy and Charitable School of Philadelphia, in the commonwealth of Pennsylvania, by their several petitions, have set forth that they have agreed to certain terms of union of the said two institutions, which are as follows:

First:—That the name of the institution be The University of Pennsylvania, and that it be stationed in the city of Philadelphia.

Second:—That each of the two present boards shall elect, from among themselves, twelve persons, who, with the governor for the time being, shall constitute the board of trustees of the University of Pennsylvania, and that the governor shall be president.

Third:—That the professors which shall be deemed necessary to constitute the faculty in the arts and medicine, respectively, shall be taken from each institution equally, and in case of an odd number, such one to be taken from either by the choice of the trustees, and that the provost and vice-provost, or the principal officer or officers of the faculty, by whatever name or names they may be called, shall be chosen from among the professors so appointed.

Fourth:—That charity schools shall be supported; one for boys and the other for girls.

Fifth:—That for the future, every vacancy in the board, except that of governor, shall be filled up by election by ballot, by a majority of the members present at any meeting of the new board, the members present to be at least thirteen, that due and timely notice of such election be at all times given, and

that no person shall be elected to fill up such vacancy at the same meeting in which he shall be nominated.

Sixth:—That the funds and property of the institutions shall be united, and vested in the new trustees.

Seventh:—That the professors and officers composing the faculty shall be elected by a majority of the members present at any meeting of the new board, the number present to be at least thirteen, that due and timely notice of such election shall at all times be given, and that no person or persons shall at any time be elected such professor or officer at the same meeting in which he shall be nominated.

Eighth:—That no professor or officer of the faculty shall be removed by a less number than two-thirds of the members present at any meeting of the new board, the members present to be at least thirteen, and that due and timely notice of such intended removal shall at all times be given, and that no person or persons shall at any time be removed at the same meeting in which such removal shall be proposed.

Ninth:—That the board of trustees shall annually lay before such persons, as the legislature shall in the incorporating act direct, a statement of the funds of the institution.

And the said trustees by their several petitions have prayed that a law may be passed to enable them to carry the said terms of union into effect, and to incorporate them in one body, according to the purpose and intention expressed in the said terms of union.

[Section I.] (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That in pursuance of the second article of the said terms of union, the trustees of the university shall elect twelve persons from among themselves to be trustees of the said university, after the union, and shall certify the names of the said twelve persons so elected, to the governor of this commonwealth, on or before the first day of December next, and that the trustees of the said college, academy and charitable school shall elect twelve persons from among themselves to be trustees of the said university, after

the union, and shall certify the names of the said twelve persons so elected, to the governor of this commonwealth, on or before the first day of December next.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That from and after such certificates of the elections being so made to the governor, as aforesaid, the said twenty-four persons so elected and certified, together with the governor for the time being, who shall always be president, and their successors, duly elected and appointed, as herein and by the said terms of union is directed, be, and they are hereby made and constituted a corporation and body politic, in law and in fact, to have continuance forever, by the aforesaid name, style and title of the Trustees of the University of Pennsylvania, and that the said university shall at all times be stationed in the city of Philadelphia.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said trustees, and their successors, shall be able and capable in law to sue and be sued, by the name style and title aforesaid, and to have and to make one public and common seal, and also one private seal to use in their affairs, and the same, or either of them, to break and alter at their pleasure, and to make rules and statutes not repugnant to the laws and constitution of this state, or of the United States of America, and to do everything needful and necessary to the establishment of the said university, and for their own good government and the good government and education of the youth belonging to the same, and to constitute a faculty, or learned body, to consist of such head or heads and such a number of professors in the arts and sciences, and in law, medicine and divinity, as they shall judge necessary and proper, consistent with the aforesaid articles of union.

[Section IV] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That all and every the estates, real, personal and mixed, moneys, effects, debts, claims and demands, either in law or equity, which at present are vested in or belong to each of the two boards of trustees of the said university, and of the said college, academy and charitable school, who are hereby united and incorporated together,

shall be, and they hereby are, transferred to and vested in the said trustees herein directed to be appointed and incorporated, and their successors, with full power to take, receive, hold, use, recover and enjoy the same, according to the purpose, true intent and meaning of this act, and that in like manner all claims, rights and demands, of any person or persons, bodies politic and corporate, against either of the said two boards, shall be and remain valid and effectual against the trustees herein directed to be appointed and incorporated, and their successors, with power to demand, receive and recover the same, as if they had been originally contracted by or due, or recoverable from, the said trustees herein directed to be appointed and incorporated.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That pursuant to the ninth article of the terms of union, the trustees shall annually lay a statement of the funds of the institution before the legislature of the commonwealth.

Passed Sept. 30, 1791. Recorded L. B. No. 4, p. 263, etc.

CHAPTER MDXCIX.

AN ACT FOR VESTING A YEARLY RENT-CHARGE OF FIVE POUNDS, ISSUING OUT OF A MESSUAGE AND LOT OF GROUND SITUATE ON THE NORTH SIDE OF HIGH STREET, IN THE CITY OF PHILADELPHIA, IN A TRUSTEE TO COLLECT THE ARREARAGES OF RENT DUE, AND TO GROW DUE, AND TO APPLY THE MONEYS ARISING THEREFROM TO THE USES THEREIN MENTIONED.

Whereas Richard Richardson and some of the other heirs and representatives of Joseph Richardson, formerly of Providence

township, in the county of Philadelphia, yeoman, deceased, by their petition, have represented to this house that the said Joseph Richardson and Elizabeth his wife, and Samuel Richardson, his son, and heir apparent, by indenture dated the twenty-seventh day of July, Anno Domini one thousand seven hundred and twenty-two, for the consideration therein mentioned, did grant and confirm unto Mary Cook, of the said city, widow, all that messuage and lot of ground situate on the north side of High street, between Front and Second streets, from Delaware, in the said city, containing in breadth on High street twenty-four feet, and at the north end twenty-five feet, and in length or depth one hundred and two feet, bounded northward with a lot formerly of Griffith Jones, deceased, eastward with a messuage and lot formerly of Abraham Bickley, deceased, southward with High street, and westward with a messuage and lot formerly of James Porteus, deceased, together with the appurtenances, to hold to her, the said Mary Cook, her heirs and assigns forever, paying therefor unto the said Joseph Richardson and Elizabeth his wife, their heirs assigns, the yearly rent or sum of five pounds lawful silver money of America, on the first day of July yearly forever; that by virtue whereof the said Joseph Richardson and Elizabeth his wife, became jointly seized in fee of the said yearly rent charge, and being thereof seized, she, the said Elizabeth, died, by means whereof the same survived to and became wholly vested in him, the said Joseph, who being so thereof seized also died, and by his testament and last will in writing, dated the sixth day of December, Anno Domini one thousand seven hundred and forty-five, recorded in the register's office at Philadelphia, devised the said yearly rent charge to his four sons, Samuel, Awbray, Edward and the said Richard, to be equally divided between them; that the said Awbray and Edward both died before their said father, Joseph; that the said Samuel many years ago also died; that the said Richard is very ancient and infirm, much reduced in his circumstances, and not able to support himself; that it appears the said Joseph Richardson, by his will, only gave to his said four sons, Samuel, Awbray, Edward and Richard, in the said yearly rent charge, a life

estate in common tenancy, and did not dispose of the reversion therein in fee to any person, but died intestate as to that part of his estate; that the said Richard hath only received his one-fourth part of the said yearly rent charge, the other three-fourths for many years past still remains unpaid; that the said Samuel, Awbray and Edward left behind them a great number of children to whom their three undivided fourth parts of and in the said yearly rent charge descended and became vested, to be divided amongst them agreeably to the laws for the distribution of intestates' estates; that several of the children of the said Samuel, Awbray and Edward are dead and have left behind them a numerous offspring, who are now much dispersed over different parts of this state and of the United States; that several of the heirs and representatives of the said Joseph had given to the said Richard, for his better support and maintenance, their several shares in the said yearly rent charge, and the arrearages thereof, and it is presumed many more of them would willingly do it, could they be found out without great expense and trouble; that the petitioners were very anxious and desirous to collect the arrearages of the said yearly rent charge, but could not do it, being branched out in so many different owners, without the aid and assistance of the legislature; and thereupon have prayed leave to bring in a bill to vest the said yearly rent charge and the arrearages thereof, in certain persons in trust, to be collected for the purposes hereinafter mentioned: Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the said yearly rent charge or sum of five pounds and all the arrearages thereof due and to grow due, be and the same are, by force of this act, vested in Richard Richardson, his heirs and assigns forever, in trust for the heirs and representatives of the said Joseph Richardson, but saving and excepting to all other person or persons their rights therein.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful to

and for the said trustee, his heirs and assigns, immediately after the passing of this act, to ask, demand, collect, sue for, and by all lawful ways and means in the law recover and receive, of and from all and every person and persons, owners or possessors of the said described messuage and lot of ground, all the arrearages of the said yearly rent charge due and to grow due.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That all the moneys arising from the said yearly rent charge and also from the collection of the arrearages thereof, shall be, by the said trustee, his heirs and assigns, paid and distributed to and amongst the heirs and representatives of the said Joseph Richardson, in the proportions and according to the several shares therein, the necessary charges and expenses attending this trust being first deducted.

Passed Sept. 30, 1791. Recorded L. B. No. 4, p. 266, etc.

CHAPTER MDC.

AN ACT TO EMPOWER THE GOVERNOR TO LAY OUT A TOWN AND OUT LOTS AT THE MOUTH OF BEAVER CREEK, FOR THE USES THEREIN MENTIONED.

Whereas by the act of assembly passed in the year one thousand seven hundred and eighty-three, for the purpose of redeeming the certificates of the depreciation given to the officers and soldiers of the Pennsylvania line, and for other purposes therein mentioned, a certain tract of land was reserved for the use of the state, as in the said act is expressed, containing three thousand acres, situate on the Ohio and on both sides of the mouth of Beaver Creek, including Fort McIntosh: And whereas it appears that the sale of one-third part of said tract will be an encouragement, convenience and security to those who become the first settlers.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Penn-

sylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor is hereby empowered to direct the surveyor general to lay out or cause to be laid out and surveyed, two hundred acres of land, in town lots, on or near the ground where the old French town stood, in such manner as commissioners appointed by the governor shall direct, and also one thousand acres adjoining on the upper side thereof, to be laid out and surveyed, as nearly square as may be, in out lots not less than five acres nor more than ten acres each. Provided always, That the governor shall reserve out of the lots of the said town so much land as he shall deem necessary for public uses.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That upon the return of such surveys which are hereby directed to be made to the surveyor general, the governor shall be thereupon authorized to sell the one equal half of the town lots and the whole of the out lots, in such manner as he shall think most to the advantage of the state, and make conveyances of the same, excepting always such as shall be reserved for public uses.

[Section III.] (Section III. P. L.) And be it further enacted by the authority aforesaid, That the streets, lanes and alleys of the said town and out lots shall be common highways forever, and that the sale of the said lots and out lots herein mentioned shall be made either in whole or part, at the town of Pittsburg, Washington, or the city of Philadelphia, at the discretion of the governor, and previous to the sale or sales in either place, notice shall be given in one or more of the newspapers of the said city, and also in the Pittsburg Gazette, of such sale, at least ten weeks previous to such sale or sales.

[Section IV.] (Section IV, P. L.) And be it enacted by the authority aforesaid, That the governor is hereby empowered to draw an order on the state treasurer to defray the costs and charges of surveying, advertising and selling the lands aforesaid, to be paid by the treasurer out of the public moneys arising from the sales of the aforementioned lots.

Passed Sept. 28, 1791. Recorded L. B. No. 4, p. 268, etc. See Act of March 6, 1793; Chapter 1655.

CHAPTER MDCI.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT TO ESTABLISH THE JUDICIAL COURTS OF THIS COMMONWEALTH IN CONFORMITY TO THE ALTERATIONS AND AMENDMENTS IN THE CONSTITUTION."¹

Whereas by the act to which this is a supplement, the high court of errors and appeals under the new constitution cannot legally be held for the first time until the second Monday in July next, which delay may be attended with inconveniences to the present suitors in the said court; to prevent which, as well as to remove any doubts which may arise concerning the power of the said court to issue writs of error and receive appeals before the actual sitting of the court.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the justices of the said high court of errors and appeals be empowered, and they are hereby authorized and required, to hold the said court for the first time on the first day of November next, and to adjourn from time to time, as the business depending in the said court may require, and afterwards to sit at the stated times prescribed by the said act of assembly.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That from all acts and decisions of the several registers for the probate of wills and granting letters of administration, appeals shall lie to the respective registers courts, provided such appeals be made within the term of two years. Provided nevertheless, That if any person or persons who is, are, or shall be entitled to such appeal shall, at the time when entitled thereto, be within the age of twenty-one years, covert, non compos or non compotes mentis, in prison or out of the limits of the United States of America, then such person or persons, his, her or their heirs, executors or administrators (notwithstanding the said two years be expired) shall and may enter his, her or their appeal from the

¹Passed April 13, 1791. Chapter 1575.

judgment of the said register, so as the same be done within five years after his, her or their full age, discoverture, coming to sound mind, enlargement out of prison, or return into some one of the United States, but not afterwards nor otherwise.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That writs of error issuing from, and appeals made to, the said high court of errors and appeals, shall extend to decisions heretofore given, provided the same have been made within seven years next before the passing of this act, and that the governor shall have power, and he is hereby authorized to appoint and commissionate one of the members of the said high court of errors and appeals, to be the president thereof.

(Section IV, P. L.) And whereas the times directed by law for holding the several courts of common pleas and general quarter sessions of the peace are in many respects inconvenient.

[Section IV.] Be it enacted by the authority aforesaid, That the court of common pleas and the court of general quarter sessions of the peace for the county of Philadelphia, shall be held at the city of Philadelphia, for the said county, on the first Mondays in the months of March and June, the third Monday in September and the first Monday in December in every year; that the courts of common pleas and general quarter sessions of the peace for the county of Delaware, shall be held on the last Mondays in the months of January, April, July and October; that the said courts for the county of Bucks, shall be held on the first Mondays in February, May, August and November; that the said courts for the county of Montgomery, shall be held on the second Mondays in the same months; that the said courts for the county of Chester, shall be held on the third Mondays in the months of February, May, August and November; that the said courts for the county of Lancaster shall be held on the last Mondays in the months of February, May, August and November; that the said courts for the county of York, shall be held on the first Mondays in the months of March, June, September and December; that the said courts for the county of Dauphin, shall be held on the second Mondays in

the same months; that the said courts for the county of Berks, shall be held on the first Mondays in the months of January, April, August and November; that the said courts for the county of Northampton, shall be held on the second Mondays in the months of January, April, August and November; that the said courts for the county of Luzerne, shall be held on the third Mondays in the months of January, April, August and November; that the said courts for the county of Northumberland, shall be held on the fourth Mondays in the same months; that the said courts for the county of Cumberland, shall be held on the first Mondays in the months of January, April and August, and the last Monday in October; that the said courts for the county of Mifflin, shall be held on the second Mondays in the months of January, April and August, and the first Monday in November; that the said courts for the county of Huntingdon, shall be held on the third Mondays in the months of January, April and August, and the second Monday in November; that the said courts for the county of Bedford, shall be held on the fourth Mondays in the months of January, April and August, and the third Monday in November; that the said courts for the county of Franklin, shall be held on the Mondays next following the said courts to be held for the county of Bedford; that the said courts for the county of Allegheny, shall be held on the second Mondays in the months of March, June, September and December; that the said courts for the county of Westmoreland, shall be held on the third Mondays in the same months; that the said courts for the county of Fayette, shall be held on the fourth Mondays in the same months; and that the said courts for the county of Washington, shall be held on the Mondays next following the said courts held for the county of Fayette.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the times for holding and continuing the courts of general quarter sessions of the peace in each of the said counties shall not exceed four days in every sessions.

[Section VI] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said several courts of

common pleas and general quarter sessions of the peace, shall be held in and for the said several counties for the first time after the passing of this act, on the same several days and times as they are now held under the subsisting laws of this commonwealth, and that all subsequent courts shall be held agreeably to the directions of this act.

[Section VII.] (Section VII, P. L.) And be it further enacted, That where any sheriff hath executed or hereafter shall execute, by order of the proper court, a deed for any lands, tenements or hereditaments sold by his predecessor in office, the execution of such deed may be acknowledged in the county where the lands lie, in the same manner as by the eleventh section of the act to which this is a supplement, is permitted to be done by the sheriff who sells and conveys such lands, tenements and hereditaments.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the prothonotaries and clerks of the several courts of record in this commonwealth shall, respectively, have full power and authority to take the acknowledgment of satisfaction of judgments or decrees entered on the records of the said courts, in their respective offices, as any judge or justice of the said courts might or could do.

[Section IX] (Section IX, P. L.) And be it enacted by the authority aforesaid, That the mayor and recorder of the city of Philadelphia, the master of the rolls, and the justices of the peace of this commonwealth, shall have power to receive the proof or acknowledgment of all instruments of writing, in the same manner as the justices of the peace might or could have done under the act, entitled "An act for acknowledging and recording of deeds,"² passed the twenty-eighth day of May, one thousand seven hundred and fifteen, or as the justices of the common pleas might or could have done by one other act, entitled "A supplement to the act entitled an act for acknowledging and recording of deeds,"³ passed the eighteenth day of March, one thousand seven hundred and seventy-five,

²Chapter 208.

³Chapter 706.

and that they shall also have power to take the acknowledgment of all deeds of conveyance, whereby the husband and wife do convey the estate or right in or to any lands, tenements or hereditaments, whatsoever, as fully, in like manner and for the like purposes as the justices of the county courts of common pleas may or can do by the act, entitled "An act for the better confirmation of the estates of persons holding or claiming under feme coverts, and for establishing a mode by which husband and wife may hereafter convey their estates,"⁴ passed the twenty-fourth day of February, one thousand seven hundred and seventy.

(Section X, P. L.) Whereas doubts have arisen whether sheriffs are obliged to serve declarations in ejectment:

[Section X.] Be it therefore enacted by the authority aforesaid, That from and after the passing of this act, it shall be the duty of the sheriffs of the several and respective counties of this commonwealth, and they are hereby required to serve all declarations in ejectment delivered to them, and they shall be allowed the same fees for service and mileage as in cases of summons against freeholders.

Passed Sept. 30, 1791. Recorded L. B. No. 4, p. 270.

CHAPTER MDCII.

AN ACT TO PROVIDE FOR THE IMMEDIATE DEFENSE OF THE FRONTIERS OF THE COMMONWEALTH.

Whereas it appears necessary at this time to make some effectual provision, in aid of the measures of the federal government, for the protection of the frontiers of this commonwealth, which are exposed to imminent danger from the Indians now at war with the United States; and that it is expedient that a portion of the militia of the state should be called into service, in order to afford prompt and effectual assistance to the distressed settlers on the frontiers.

⁴Chapter 605.

[Section I.] (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor shall engage for the term of six months, unless sooner discharged, a number of active and experienced riflemen of the militia of this commonwealth, not exceeding two hundred and twenty-eight non-commissioned officers and privates, and station the same at such places and in such proportions, as shall in his judgment be best calculated to protect and defend the western frontiers of this commonwealth, and he shall organize the men, so to be engaged, into three companies, over which he may, if need be, appoint and commission one major, and each company shall consist of one captain, one lieutenant and one ensign to be appointed and commissioned by the governor, four sergeants, four corporals, two musicians and sixty-six privates, to be engaged as aforesaid.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the pay of the commissioned officers respectively, shall be the same as the pay allowed to the commissioned officers of corresponding rank in the service of the United States, and there shall be allowed to such of the militia, as shall be engaged as aforesaid, a bounty which being militia, as shall be engaged as aforesaid, a bounty, which being added to the amount of pay allowed or to be allowed by the United States to non-commissioned officers and privates in their service, as shall render the pay of the said militia equal to the sum of sixty shillings per month to each sergeant, fifty-five shillings per month to each corporal, and fifty shillings per month to each private and musician.

[Section III] (Section III, P. L. And be it further enacted by the authority aforesaid, That the sum of four thousand five hundred pounds be appropriated for carrying into effect the foregoing objects of this law, of providing the necessary arms and ammunition, and of defraying the other necessary incidental expenses, for the defence of the frontiers aforesaid, which sums shall be paid by the state treasurer, upon the warrants of the governor, out of the funds appropriated by law

to pay the expenses of government, and an account of the disbursements thereof, or of any part thereof, shall be laid by the governor before the general assembly at the next ensuing session.

Passed Jan. 20, 1792. Recorded L. B. No. 4, p. 273.

CHAPTER MDCIII.

AN ACT TO PREVENT THE SALE OF LOTTERY TICKETS WITHIN THIS COMMONWEALTH.

Whereas in and by an act of the general assembly of the late province, now state of Pennsylvania, passed the seventeenth day of February, one thousand seven hundred and sixty-two, entitled "An act for the more effectual suppressing and preventing of lotteries,"¹ it was enacted, adjudged and declared that all lotteries, whether public or private, are common and public nuisances and against the common good and welfare of the people, and divers penalties and forfeitures are imposed upon every person, who shall set up or establish any lottery, or sell or expose to sale any ticket or device in such lottery, but the same hath not in latter years been considered to extend to lotteries set up and established without this state, wherefore tickets and chances in lotteries set up and established in other places have been sold in great numbers within this commonwealth, to the impoverishing divers unwary citizens, to the discouraging of industry, and contrary to the spirit of the said act.

[Section I.] (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That if any person or persons, from and after the passing of this act, shall expose or offer to sale, or sell, barter or exchange, by public or private sale, or contract, any ticket or tickets, chance or chances, or other evidence of chance or chances, or parts or shares of any

¹Chapter 478.

ticket, chance or evidence of chance, in any lottery, or other device in the nature of a lottery, by whatsoever name it may be called, not authorized by the laws of this commonwealth, being thereof convicted in any court of competent jurisdiction, shall forfeit and pay for every ticket, chance or evidence of chance, or part or share thereof, in such lottery or other device, so offered or sold, bartered or exchanged, the sum of five pounds, one moiety thereof to him, her or them, who shall prosecute the offender or offenders, and the other moiety to the overseers of the poor of the city, town or place where the offence shall be committed, for the use of the poor thereof, to be recovered as fines, penalties and forfeitures for misdemeanors are recoverable in such courts.

Passed January 20, 1792. Recorded L. B. No. 4, p. 279.

The act in the text was repealed by the Act of Assembly passed March 31, 1860. Chapter 376, P. L. 1860, p. 452.

CHAPTER MDCIV.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT TO ENABLE ELEAZER OSWALD, GUARDIAN, DULY APPOINTED TO JANE JONES, BAITHWAITE JONES, MARY JONES AND GIBBS JONES, MINORS, UNDER THE AGE OF TWENTY-ONE YEARS, TO SELL AND CONVEY THE PROPERTY THEREIN MENTIONED, FOR THE BENEFIT OF THE SAID MINORS."¹

Whereas by virtue of an act of general assembly, passed the sixth day of April, Anno Domini one thousand seven hundred and ninety-one, full power and authority was given to Eleazer Oswald, guardian, duly appointed to Jane Jones, Blai-thwaite Jones, Mary Jones and Gibbs Jones, minors, under the age of twenty-one years, to sell and covey certain property, in the manner and for the purposes therein mentioned; and whereas it is represented to the legislature, that the said Eleazer Oswald, being about to go beyond sea, has resigned to the orphans' court of Philadelphia county his guardianship

¹Chapter 1550.

of the persons and property of the said minors, and that John Wood, of the city of Philadelphia, gentleman, was appointed by the said orphans' court, guardian of the persons and estate of the said minors, and had accepted of the said appointment:

[Section I.] (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That John Wood, appointed by the orphans' court of the city and county of Philadelphia, guardian to Jane Jones, Blaithwaite Jones, Mary Jones and Gibbs Jones, minors, or in case of his death, resignation, neglect or refusal to perform the duties of a guardian to the aforesaid minors, such other person as the orphans' court aforesaid shall appoint, shall have full power and authority to make sale of the sixth part of the lot of ground in the act, to which this act is a supplement, mentioned in the manner and for the purposes therein mentioned. Provided always nevertheless, That nothing herein contained shall bar or in anywise affect, the rights of any person or persons, other than those of the minors herein mentioned.

Passed January 24, 1792. Recorded L. B. No. 4, p. 280.

CHAPTER MDCV.

A SUPPLEMENT TO THE LAWS MADE FOR THE RELIEF OF INSOLVENT DEBTORS WITHIN THIS COMMONWEALTH.

Whereas by the laws of this commonwealth for the relief of insolvent debtors, no provision is made for those who languish in prison, being indebted in more than one hundred pounds in the whole, and not having resided within the state for two years next before their imprisonment; and it frequently happens that strangers are arrested and confined in the gaols of this commonwealth, who are indebted to a greater amount, and are unable to pay the same, and have heretofore surrendered,

or are willing to surrender all their estate and effects for the use of their creditors, and it is proper that citizens otherwise entitled thereto, but not under execution, should receive the like benefit with other insolvent debtors:

[Section I.] (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That upon the petition of any person who hath been or shall be confined in any gaol of this commonwealth for the space of six months, or more, next preceding the time of preferring such petition, and who shall not have resided in this commonwealth for the space of two years before his imprisonment, and who shall not be proceeded against as a bankrupt, to any court having competent jurisdiction, such court shall inquire, by all lawful means, whether the petitioner is so arrested and confined by adversary process, and without any collusion with the plaintiff or plaintiffs, for the purpose of obtaining the benefit of this act, and if it shall appear, to the satisfaction of the said court, that the defendant hath been arrested, and is actually confined, for debts which he is unable to pay, and is held and detained in confinement without his consent or procurement, and against his will, and that he hath in the schedule to be annexed to his petition made a full and perfect discovery and disclosure of all his estate, real and personal, whatsoever, and wheresoever, it shall and may be lawful for such court to proceed upon such petition, in the same manner and form, and remand or discharge the said petitioner, upon the same terms and conditions; and the petitioner shall have and be entitled to all and every the same allowances, benefits, exemptions and advantages, upon his being remanded or discharged, as if he had resided within this commonwealth for two years next before his imprisonment, and no other.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That all other persons who now are, or hereafter shall be, in actual confinement, in actions founded upon contract, for the space of thirty days next preceding the time of preferring their petition, shall if otherwise

entitled thereto, receive the benefit of the several laws of this commonwealth made for the relief of insolvent debtors, although not charged in execution.

Passed February 16, 1792. Recorded L. B. No. 4, p. 234. See the note to the Act of Assembly passed February 14, 1729-30, Chapter 315.

CHAPTER MDCVI.

A FURTHER SUPPLEMENT TO THE ACT TO INCORPORATE THE CITY OF PHILADELPHIA.¹

Whereas, by the act to incorporate the city of Philadelphia, there is no provision made that the mayor, aldermen and citizens of Philadelphia may accept the resignation of any of their members, nor are they authorized to cause elections to be held to supply the vacancies which may happen from various causes: In order to prevent the inconveniences which may follow from the want of a due provision in such cases:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the mayor, aldermen and citizens of Philadelphia, in common council assembled, shall be, and they are hereby, authorized to receive and accept the resignations of such of their members as shall, from time to time, make the same, and that from and after their acceptance of such resignations, the persons who shall so resign and whose resignations shall be so accepted, shall no longer be members of the said corporation.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That in order to fill up any vacancy which may happen by death, resignation or otherwise, it shall and may be lawful for the mayor, or recorder, for the time being, whenever he shall be thereto required by a vote

¹ Passed March 11, 1789, Chapter 1394.

of the mayor, aldermen and citizens of Philadelphia, in common council assembled, to issue a writ, under his hand, and the seal of the said corporation, directed to the sheriff of the city and county of Philadelphia, commanding him, on such day and at such place, in the said city, as shall be therein named, to cause an election to be held for so many aldermen or common councilmen, or both, as may be necessary to supply the said vacancies, and the said sheriff is hereby enjoined and required to give public notice of the time and place of holding such elections, which shall in all other respects be held, conducted and regulated, agreeably to the directions and provisions contained in the act to incorporate the city of Philadelphia; and the judges of such elections shall make their returns of the persons who shall be chosen, as aldermen or common councilmen, to the aldermen or common councilmen for the time being, who shall have the same powers of judging of the election of members of their boards, as the act above referred to gives to them respectively; and when it shall be determined who are the persons duly elected, they shall be qualified according to the directions of the said act, and shall be aldermen and common councilmen for the city of Philadelphia, and shall be vested with all the powers, rights and authorities, which by law to them respectively do or shall belong and appertain; and shall continue to be aldermen and common councilmen until the next general election under the said law.

Passed March 8, 1792. Recorded L. B. No. 4, p. 285, etc.

CHAPTER MDCVII.

AN ACT TO REVIVE AND CONTINUE IN FORCE, FOR A LIMITED TIME, AN ACT, ENTITLED "AN ACT TO ENABLE ALIENS TO PURCHASE AND HOLD REAL ESTATES WITHIN THIS COMMONWEALTH."¹

Whereas the act, entitled "An act to enable aliens to purchase and hold real estates within this commonwealth,"¹

¹ Chapter 1387.

passed on the eleventh day of February, in the year one thousand seven hundred and eighty-nine, expired by its own limitation on the first day of January last: And whereas the reasons specified in the said act for enacting the same, appear to exist now in the same force as at the time the said act was passed.

[Section I.] (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the said act to enable aliens to purchase and hold real estates within this commonwealth, shall be revived and continued in force for the term of three years from the passing of this act, and from thence to the end of the session of assembly next ensuing.

Passed March 8, 1792. Recorded L. B. No. 4, p. 287.

CHAPTER MDCVIII.

AN ACT TO VEST IN THE WIDOW OF JOHN ROBERTS, DECEASED, AND IN ABRAHAM CARLILE, THE ONLY SON OF ABRAHAM CARLILE, DECEASED, RESPECTIVELY, SUCH PARTS OF THEIR FORFEITED ESTATES AS HAVE NOT BEEN SOLD FOR THE BENEFIT OF THE COMMONWEALTH.

Whereas it has been represented to the legislature that small portions of the estates of John Roberts and Abraham Carlile, respectively, forfeited by their attainder, have never been sold or seized on behalf of the public, and Jane Roberts, widow and relic of the said John Roberts, and Abraham Carlile, only son of the said Abraham Carlile, deceased, have prayed that the same might be invested in them: Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That all right, title, interest, property, claim and demand whatsoever, which this commonwealth hath in, to and out of such part of the estate, real and

personal, of the said John Roberts, forfeited by his attainder aforesaid, as hath not heretofore been seized, sold, aliened or otherwise disposed of, by and on account of the public, shall be, and the same is hereby granted, conveyed, assigned and set over unto Jane Roberts, the widow of the said John Roberts, and her heirs, executors, administrators and assigns forever.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That all right, title, interest, property, claim and demand whatsoever, which this commonwealth hath in, to and out of such part of the estate, real and personal, of the said Abraham Carlile, forfeited by his attainder aforesaid, as hath not been heretofore seized, sold, aliened or otherwise disposed of, by and on account of the public, shall be, and the same is hereby granted, conveyed, assigned and set over unto Abraham Carlile, the only son of the said Abraham Carlile, deceased, and to his heirs, executors, administrators and assigns forever.

Passed March 8, 1792. Recorded L. B. No. 4, p. 287, etc.

CHAPTER MDCIX.

AN ACT TO EXTEND THE TIME FOR PATENTING LANDS.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the times heretofore limited for patenting lands which were located before the Declaration of Independency, and giving a right of pre-emption to actual settlers to obtain warrants for the lands by them occupied, be extended until the tenth day of April, one thousand seven hundred and ninety-three, and from thence to the end of the next session of the general assembly.

Passed March 21, 1792. Recorded L. B. No. 4, p. 288. See the Acts of Assembly passed April 3, 1794, Chapter 1723; April 1, 1796, Chapter 1894; April 4, 1798, Chapter 1996; March 15, 1800, Chapter 2137.

CHAPTER MDCX.

AN ACT TO CONTINUE THE ACT, ENTITLED "AN ACT TO CONTINUE THE ACT FOR TRANSFERRING CERTAIN POWERS, FORMERLY EXERCISED BY THE SUPREME EXECUTIVE COUNCIL, ALSO BY THE PRESIDENT OR VICE-PRESIDENT THEREOF, TO THE GOVERNOR OF THIS COMMONWEALTH."¹

[Section I] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the act, entitled "An act to continue the act for transferring certain powers, formerly exercised by the supreme executive council, also by the president or vice president thereof, to the governor of this commonwealth," in all things therein contained, shall be extended to the thirtieth day of November next, and from thence until the end of the next session of the general assembly, and no longer.

Passed March 28, 1792. Recorded L. B. No. 4, p. 294, etc.

CHAPTER MDCXI.

AN ACT TO CONTINUE THE ACT FOR INSTITUTING A BOARD OF PROPERTY, AND FOR OTHER PURPOSES THEREIN MENTIONED.

Whereas the act, entitled "An act for instituting a board of property, and for other purposes therein mentioned,"² passed the eighth day of January, one thousand seven hundred and ninety-one, will expire by its own limitation with the present session:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Penn-

¹ Passed September 21, 1791. Chapter 1580.

² Chapter 1522.

sylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the act, entitled "An act for instituting a board of property, and for other purposes therein mentioned," shall be extended to the first day of November, one thousand seven hundred and ninety-three, and from thence until the end of the next session of the general assembly, and no longer.

Passed March 28, 1792. Recorded L. B. No. 4, p. 295.

CHAPTER MDCXII.

AN ACT TO ENABLE THE OWNERS, OCCUPIERS AND POSSESSORS OF A CERTAIN TRACT OF MARSH AND MEADOW LAND, THEREIN DESCRIBED, SITUATE IN THE TOWNSHIP OF TINICUM, AND COUNTY OF DELAWARE, TO KEEP THE BANKS, DAMS, SLUICES AND FLOODGATES IN REPAIR, AND TO RAISE A FUND TO DEFRAY THE EXPENSE THEREOF.

Whereas there is a certain piece or parcel of marsh and meadow land, situate in the township of Tinicum, in the said county of Delaware, beginning at the fast land on the east side of Freeman's creek, thence extending by the ditch bank, along the Delaware river up to Plumb creek, thence crossing over the dam, thence along the east side of Plumb creek to Grun creek, thence along the said Grun creek to Darby creek, thence along the said Darby creek to Longhook creek, thence over the dam on Longhook creek to a small crossway, thence along the said crossway to the fast land near the late mansion house of Joseph Taylor, deceased, and from thence along the fast land to the place of beginning, including all the marsh and meadow land within the said bounds, which said tract, or parcel of marsh or meadow lands hath been, and now is, embanked; but inasmuch as the banks, dams, sluices and floodgates, made for the stopping out the tide waters from the same, and for preventing the overflowing thereof, cannot be equitably and sufficiently maintained by the present existing law.

[Section I.] (Section I P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the owners, occupiers or possessors of the above described piece or parcel of meadow lands, shall be called and known by the name of The Longhook Meadow Company; and it shall and may be lawful for the said company, or as many of them as shall think fit, to meet together on the fourth Monday in March instant, and on the first Monday in March, yearly, and every year hereafter, at the school-house in the township of Tinicum, or such other place in the said township as shall hereafter be appointed by the managers of the said company, or any two of them, to be chosen by virtue of this act, of which place and time of meeting the treasurer of the said company, to be also chosen by virtue of this act, shall notify the owners and possessors thereof, after the next election by three or more advertisements, placed up in the said township, ten days before the day appointed for such meeting; and then and there, by a majority of those met, shall choose by ticket in writing, three fit persons, owners or possessors of land in the said company, to be managers, and one fit person to be treasurer, for the said company, for the year thence ensuing.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That if any of the owners or possessors, elected managers as aforesaid, on due notice given in writing of his election by some of the company present at the said election, shall refuse or afterwards neglect, to do the duties required of him or them by this act, he or they, so refusing or neglecting his duty, shall forfeit and pay to the treasurer for the time being the sum of five pounds, to be added to the common stock of the said company, unless he or they shall have served two years successively in the said office next before his or their said appointment; which fine shall be recovered in the manner hereinafter directed for the recovery of other moneys payable to the treasurer of the said company; and the other manager or managers shall proceed in the execution of their office without him or them, or if they think fit, may choose

others of the said owners, occupiers or possessors, to be manager or managers, in the place of him or them so refusing or neglecting; and if the person so elected treasurer shall refuse or neglect to take upon him the duties, or to give the securities required by this act, or shall misbehave himself, or by death or otherwise, be rendered incapable to execute the office in any of these cases, the managers for the time being, shall choose another fit person to be treasurer for that year.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That every treasurer hereafter to be chosen, shall, before he takes upon him the execution of his office, enter into an obligation, with at least one sufficient surety, in double the value of the money that doth or may probably come into his hands, during the continuance of his office, as near as can be estimated by the managers, conditioned, that he will once in every year, or oftener if required, render his accounts to the said managers, or a majority of them, and well and truly account, adjust and settle with them, when required, for and concerning all moneys that are or shall come into his hands by virtue of this act, or that belong to the owners of the land in the said company, and shall well and truly pay the balance that shall appear, on such settlement, to be in his hands, to such person and to such services as any two of the managers for the time being shall order and appoint, and not otherwise; and that he will do and execute all such other matters and things, as treasurer of the said company, according to the true intent and meaning of this act; and that he will, at the expiration of his office, well and truly pay, or cause to be paid, and delivered, all the money then remaining in his hands, together with the books of accounts concerning the same, and all the other papers and writings in his keeping, belonging to the owners of the said company, unto his successors in the said office.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the banks, dams, sluices and floodgates, which belong to the said company, shall hereafter be maintained and supported by the managers in common; for

which purpose it shall and may be lawful for the said managers of the said company, or any two of them, as often as they shall see occasion, to meet together, and lay such assessments and taxes on every acre of land in the said company, as they shall judge to be necessary for the benefit and security of the same. Provided always, That previous to such reparation and maintenance in common, those banks, which are now deficient, shall be made and put in equal good order with the best, at the expense and cost of the respective owners to which they now belong, by the managers of the said company, by forming and repairing the same with such materials, and in such manner and form, as the situation and exposure of such deficient banks shall require, to be adjudged and determined by William Jones, Philip Price and Peter DeHaven, or any two of them; and in case of death or refusal of either of them to undertake it, the vacancy or vacancies shall be supplied by the mutual choice of the owners of the deficient and sufficient banks, or such of them as will join in the choice, upon due notice; and the owners or occupiers of land on which the banks are, shall sow the said banks with grass seed, from time to time, when necessary, and mow and keep them clean, at such times as the managers shall order and direct.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the managers for the time being of the said company, or any two of them, shall have the power of disposing of all moneys paid to the treasurer by virtue of this act, and of hiring and appointing, at the expense of the company, any person or persons, from time to time, to inspect the condition of all the banks, dams, sluices and flood-gates, belonging to the said company, and to offer and pay such rewards as they think necessary, out of the common stock, for the destruction of such vermin as usually damage the banks and dams, as well as for other general services of the said company.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the major part of the managers for the said company, for the time being, shall, at least three times in each year hereafter, at such times as they think

necessary, by written or printed advertisements, published in three or more places in the said township, at least ten days before the time therein to be appointed, require the owners or occupiers of all meadow land belonging to the said company, to cut all ranstead, elder, poke, thistles, burdock, and other weeds, which may be injurious to the said meadows, and should the owners or occupiers of the said lands, or any of them, neglect to cut or mow the same, at such times as they shall be so required, it shall and may be lawful for the said managers, and they are hereby enjoined and required, to hire and employ a sufficient number of men to cut and mow the same, at the proper cost and charge of such owners or occupiers, so neglecting to mow and cut the same, and to fine the said owners or occupiers for their neglect, in any sum not exceeding the cost of such mowing or cutting, and to recover the money so expended, and the fine so imposed, in like manner as other sums of money are by this act directed to be recovered, which fines shall be put into the common stock, and applied to the use of the said company.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That all creeks or ditches which now are, or hereafter shall be, made in the aforesaid tract of meadows of the width of nine feet and the depth of three feet, shall be deemed and considered in law as lawful fences and enclosures; and if any owner or occupier shall find on his or her land, so enclosed as aforesaid, any swine or hogs it shall and may be lawful, for the said owner or occupier to seize and take all such swine or hogs, whether ringed and yoked, or not, and being legally attested before the next justice that such swine or hogs were taken in his or her meadow land, so enclosed, the said justice shall forthwith order and direct the treasurer of the said company to advertise the same, and within five days sell at public auction all such swine, and after deducting all reasonable costs, divide the remainder equally between the overseers of the poor of the said township, for the use of the poor thereof, and the person so taking them up.

(Section VIII.) And whereas the cutting and making drains or ditches in suitable places, and scouring those now made, or

which may hereafter be made, will greatly conduce to the better improvement of the said meadows:

[Section VIII.] Be it therefore enacted and it is hereby enacted by the authority aforesaid, That the major part of the managers of the said company shall, at such times and so often as they see occasion, direct and order that new ditches and drains be made where necessary, or those which are already made scoured, and apportion the cost of making and scouring the same amongst those benefited thereby, or order such compensation to those who may be injured, as shall appear just and reasonable and compel payment in manner hereinafter directed.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That if any owner or occupier shall think him, her, or themselves aggrieved by any act, order, account, proceeding or neglect of any of the said managers, such owner or occupier shall, if he or they think proper, choose two fit and disinterested persons; and the said managers, or any two of them, shall choose two other fit and disinterested persons, who if occasion be, shall choose a fifth person, alike disinterested, and the persons so chosen, or any three of them, shall finally settle the same, and all matters and things in dispute, that shall be referred to them by the parties.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the orders of any two of the managers on the treasurer of the said company for the time being, shall be complied with by the said treasurer, and shall be good vouchers to indemnify him for the payment and delivery of the money and effects committed to his care by virtue of this act; and that all bonds and mortgages, deeds and conveyances in trust for the use of the said owners shall be taken in the name of the treasurer of the Longhook Company, and to be payable to him and his successors, and shall be mentioned to be for the use of the owners thereof, and with or without assignment, shall be good and available in law to his successor or successors in the said trust, for the use of the owners as aforesaid, and shall be recoverable in any court of record in this commonwealth where the same may be cognizable, as

fully and effectually, to all intents and purposes, as if the same were private property, and duly assigned in all the forms of law, and the receipts and discharges of such succeeding treasurer or treasurers, for any such sum or sums of money paid to him or them, shall be effectual in law.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall wilfully and maliciously cut through, break down, or damage any of the banks, dams, sluices or floodgates, belonging to the aforesaid company, or shall let in any creek or water to annoy, injure, or overflow any of their neighbor's lands, and shall thereof be convicted before the judges of the court of quarter sessions for the county of Delaware, in all such cases the person or persons so offending shall be fined treble the value of the damage to be assessed by two or more indifferent persons, to be appointed by the said court to value the same, one-third part of which fine shall be paid to the persons injured, and the remaining two-thirds thereof shall be added to the common stock of the said Longhook company, for the general use and benefit thereof.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That if any of the said owners, occupiers or possessors of meadow lands, within or belonging to the aforesaid meadow company, shall neglect or refuse to pay the several sums of money that shall from time to time be rated, assessed or imposed, by the major part of the managers of the said meadow company, for paying and discharging their respective proportions for maintaining the banks, dams, sluices and floodgates, belonging to the said meadow company, or for making or scouring drains or ditches, when thereto required as aforesaid, for the space of thirty days after demand made by the treasurer of the aforesaid meadow company, it shall and may be lawful for the said treasurer, by direction of the major part of the managers for the time being, in his own name, to sue for and recover the several sums of money so charged and assessed, in the same manner as debts not exceeding ten pounds (although the said sum shall exceed ten pounds) are by law recoverable, and give this act, or the

said assessment, or the said account in evidence. Provided always, That such delinquent owner, occupier or possessor, shall not be entitled to stay of execution for any longer time than ten days, or it shall and may be lawful to and for the said treasurer, by the direction of the managers as aforesaid, in his own name, to apply to some justice of the peace of the said county for his warrant of distress, for levying the said sum of money so neglected or refused to be paid, directed to the constable of the township where the meadows are, which said warrant the said justice of the peace is hereby empowered and directed to grant accordingly, to be by the said constable levied on the tract or piece of marsh meadow belonging as aforesaid to such owner, or occupier or possessor, so neglecting or refusing, and deliver the same over to the managers for the time being, who, or a major part of them, are hereby empowered and authorized to let the same on rent, or any part thereof, that may be sufficient, belonging to such delinquent owner, occupier or possessor, so neglecting as aforesaid, from time to time, for so long time as until the rents arising therefrom shall, as nearly as may be computed, pay all such sum or sums of money so assessed, charged or imposed, together with all costs and reasonable expenses arising thereon (and reasonable allowance to the said treasurer for his extraordinary trouble and expenses, to be adjudged by the said justice of the peace) for his, her or their neglect or refusal to pay the same as aforesaid, and no longer. Provided always, That in letting out the said meadow lands the said managers do publicly notify the leasing thereof, and let the same to the highest bidder at public sale.

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said managers to meet together, as often as they shall see occasion, to direct the necessary repairs, and the said managers, or a majority of them for the time being, are hereby empowered, authorized and required, to enter upon and inspect, at least four times in each year, the condition of the said banks, dams, sluices and floodgates, and other conveniences necessary for stopping out the tide, and drain-

ing the waters from the said meadows; and it shall and may be lawful to and for the said managers, or any of them, together with such workmen, horses, carts, barrows and other tools, as they shall think necessary, to enter into and upon the lands in or belonging to the said company, where a breach or defect now is, or shall hereafter happen to be, and then and there to dig and carry earth, or purchase suitable materials to make, amend and repair the said banks, dams, sluices and floodgates, and all other conveniences necessary for stopping out the tide, or for draining the waters of the meadows, in such manner and by such means, as the said managers, or a majority of them, shall think fit and reasonable, any law, usage or custom of this commonwealth to the contrary in anywise notwithstanding.

[Section XIV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That the managers of the company shall each of them have and receive seven shillings and sixpence, for each day that they shall be employed in the several duties required of them; and the treasurer shall have such compensation for his services, as a majority of the said managers shall think adequate.

[Section XV.] (Section XV.) And be it further enacted by the authority aforesaid, That the meadow company, known by the name of the Tinicum company, shall support, maintain and repair a certain dam, made over Plumb creek, near its junction with the river Delaware, and if the managers of the said Tinicum company neglect or refuse to amend or repair the said dam, upon due notice given them by the managers of the Longhook company, it shall and may be lawful for the said managers of the Longhook company to enter upon the said dam, and repair and amend the same, and recover and levy the cost, charge and expense thereof, in the same manner as if they were the managers of the said Tinicum company, anything herein contained to the contrary in anywise notwithstanding.

[Section XVI.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That an act of the assembly of the province of Pennsylvania, entitled "An act to enable the owners and possessors of a certain tract of marsh and meadow

land, called the Longhook company, to keep the banks, dams, sluices and other conveniences for keeping out the tide-water, and draining the same in repair," and also an act of assembly of the said province, entitled "An act for amending each and every of the acts of assembly of this province heretofore made, for embanking and draining several parcels of marsh lands, situate in the counties of Philadelphia and Chester, and for repairing and maintaining the banks, dams, sluices and floodgates, thereunto belonging,"¹ so far as they relate to the aforesaid Longhook meadow company, shall be, and are hereby repealed, and made null and void. Provided, That nothing herein contained shall prevent the collection of any fines, taxes or moneys which have been received by virtue of the said acts, or either of them.

Passed March 28, 1792. Recorded L. B. No. 4, p. 295.

CHAPTER MDCXIII.

AN ACT TO AUTHORIZE THE RECEIVER GENERAL OF THE LAND OFFICE TO CARRY MONEYS RECEIVED INTO THAT OFFICE SINCE A GIVEN PERIOD, FOR LANDS SOLD, AND WHICH HAVE NOT BEEN NOR SHALL BE SECURED TO THE PURCHASERS, TO THE CREDIT OF SUCH PURCHASERS OR THEIR ASSIGNS, IN PAYMENTS ALREADY DUE AND HEREAFTER TO BECOME DUE TO THE COMMONWEALTH, FOR THE PURCHASE OF ANY LANDS WITHIN THE SAME.

Whereas divers persons who have heretofore purchased lands within this state, and procured warrants for the same, have not been able to find vacant lands within the descriptions contained in such warrants, and no provision is made to allow the moneys paid on such warrants to go in payment, or part payment, for other lands, or to afford to such purchasers any other relief.

[Section I,] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted

¹ Passed February 15, 1765, Chapter 523.

by the authority of the same, That where any warrants, since the first day of April, in the year one thousand seven hundred and eighty-four, have issued, or hereafter shall issue, from the land office, and hath not been or cannot be executed in the whole, or in part, by reason that the lands therein described, or some part of them, have been previously appropriated by or for any other person or persons, according to law, or having been executed, doth interfere with some prior appropriation, as aforesaid, the deputy surveyor of the district or county shall, at the reasonable request of the party, his heirs, executors, administrators or assigns, certify to the surveyor general's office whether any, and how much, of the lands in the said warrant described, hath not been or cannot be surveyed, for the reasons aforesaid, or being surveyed, doth interfere with any prior survey or appropriation, and the surveyor general, whenever he shall have proof of the same, shall at the like reasonable request, certify to the receiver general the number of acres which shall remain unsatisfied, on any warrant issued after the first day of April, in the year one thousand seven hundred and eighty-four.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That whenever it shall by the original receipts or other legal voucher, or by the entries made in his books, appear to the receiver general, that any person or persons have paid into the land office any moneys or certificate, for lands granted to them by virtue of warrants issued after the first day of April, in the year one thousand seven hundred and eighty-four, and which they have not obtained, or that they have paid any moneys, or certificates, over and above what was due to the commonwealth for the lands obtained by virtue of such warrants, he shall carry the said money or balance to the credit of such person, or persons, his, her or their heirs, executors, administrators or assigns, in payments already due, or hereafter to become due to the commonwealth, for the purchase of any lands within the same, together with lawful interest for the same, from the time of the original payment to the time of such credit being applied for and made.

Passed March 29, 1792. Recorded L. B. No. 4, p. 304.

See the Act of Assembly passed March 6, 1793, Chapter 1659.

CHAPTER MDCXIV.

AN ACT FOR ERECTING PART OF TIOGA AND TUNKHANNOCK ELECTION DISTRICT, IN LUZERNE COUNTY, INTO A SEPARATE ELECTION DISTRICT.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That that part of the county of Luzerne, beginning at the mouth of Wsfock's creek, and extending down and including both sides of the river Susquehanna, to a line drawn east and west across the county at the mouth of Meshopin creek, shall be a separate election district, called Wyalusing district, and that the freemen of said district shall hold their general elections at the house now occupied by Isaac Hancock, Esquire, in the district and county aforesaid, anything to the contrary in any law notwithstanding.

Passed March 29, 1792. Recorded L. B. No. 4, p. 306.

CHAPTER MDCXV.

AN ACT TO ALTER THE PLACE OF HOLDING THE GENERAL ELECTIONS IN THE SECOND DISTRICT WITHIN THE COUNTY OF LANCASTER.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the freemen of the second election district of the county of Lancaster, comprehending the townships of Colerain, Little Britain, Drumore, Bart, Martic and Sadsbury to hold their

annual elections at the house now occupied by William White, known by the name of the Unicorn, in Drumore township aforesaid, any law to the contrary notwithstanding.

Passed March 29, 1792. Recorded L. B. No. 4, p. 307.

CHAPTER MDCXVI.

AN ACT TO CHANGE THE PLACE OF HOLDING THE ANNUAL ELECTION IN THE FIRST ELECTION DISTRICT IN WESTMORELAND COUNTY.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, that from and after the passing of this act, the freemen of the first district in Westmoreland county, shall meet and hold their annual election at the house now occupied by William Neal, in Armstrong township, any former law to the contrary in anywise notwithstanding.

Passed March 29, 1792. Recorded L. B. No. 4, p. 307.

CHAPTER MDOXVII.

AN ACT ASCERTAINING THE BOUNDARY LINE BETWEEN HUNTINGDON AND MIFFLIN COUNTIES, ON THE SOUTH SIDE OF JUNIATA.

Whereas it hath been represented to the legislature that some inconveniences have arisen, for want of a boundary line between the counties of Huntingdon and Mifflin, on the south side of the Juniata, being clearly ascertained, and it is just and reasonable that such inconveniences should be remedied:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted

by the authority of the same, That a straight line, beginning in the middle of the Watergap in the Tuscarora mountain, and from thence to the river Juniata, in such direction as to include Joseph Galloway's farm within Huntingdon county, at the mouth of Galloway's run, shall be the boundary line between Huntingdon and Mifflin counties, on the south side of Juniata; and the governor is hereby authorized to appoint one commissioner to run and mark the same, as soon as may be after the passing of this act, and the expense of running and marking the said line to be paid equally by the counties of Huntingdon and Mifflin.

Passed March 29, 1792. Recorded L. B. No. 4, p. 307.

CHAPTER 'MDCXVIII.

AN ACT TO ENABLE EXECUTORS AND ADMINISTRATORS, BY LEAVE OF COURT, TO CONVEY LANDS AND TENEMENTS CONTRACTED FOR WITH THEIR DECEDENTS, AND FOR OTHER PURPOSES THEREIN MENTIONED.

Whereas it frequently happens that persons having contracted for the sale of lands and tenements within this commonwealth, depart this life without making provision, by will, for the performance of such contracts, leaving their heirs within age, whereby executors and administrators are prevented from collecting and administering the purchase moneys, and the purchasers are for a long time without titles: For remedy whereof:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the publication of this act, any person or persons having any contract in writing, or other written evidence of contract, whereby any deceased person or persons hath or have covenanted, agreed, promised or bound him, her or themselves, to convey any lands

or tenements within this commonwealth, to him, her or them, or to any person or persons whom he, she or they may represent, which contract had not been complied with in the lifetime of the deceased, and no sufficient provision for the performance of such contract or contracts appears to have been made by the decedent in his lifetime, such person or persons having such contract, or evidence of contract, whether in his, her or their own right, or as attorney, agent, trustee or guardian for another or others, shall, before he, she or they bring any action or suit thereon, against the executors or administrators of the deceased, cause and procure the said contract to be proved in the supreme court of this commonwealth, or in the court of common pleas of the county wherein the lands or tenements contracted for shall lie, which probate being adjudged by the said court to be sufficient, the prothonotary of such court shall indorse on, or annex the same to the said contract, or to a copy of the evidence thereof, and certify the same under his hand and the seal of the said court, and thereupon the same shall be recorded in the rolls office of this commonwealth, or in the office for recording of deeds of the county wherein the lands and tenements contracted for shall lie; and thereupon it shall and may be lawful for the executors or administrators of the said deceased, or the survivors or survivor of them, to present a petition to the said courts respectively, praying leave to make and execute a deed, conveying to the purchaser or purchasers, his, her or their heirs or assigns, the said lands and tenements contracted for, with the appurtenances for such estate or estates, and in such manner and form as the said court shall judge to be consistent with the true intent and meaning of the contract, and the said court having considered the prayer of the said petition, and the contract or evidence of contract whereupon it is founded, and having adjudged the same to be obligatory between the parties, shall make an order, authorizing and empowering the said petitioner or petitioners to make and execute such conveyance as aforesaid, and the same being made and executed, and proved or acknowledged according to law, shall be of the same force and effect to pass and vest the estate intended,



of and in the lands and tenements aforesaid, with the appurtenances, as if the same had been executed by the decedent or decedents, in his, her or their lifetime.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the executors or administrators of any such decedent having a counter part of such contract, or any other contract, or evidence of contract, for the payment of the consideration moneys for any lands or tenements agreed to be sold, but not conveyed by the decedent or decedents, in his, her or their lifetime, to cause the same to be proved, and to present a petition in manner aforesaid, whereupon the same proceedings shall be had, and with the same force and effect, as is hereinabove directed, where the purchaser or his representative shall procure such contract to be proved. Provided always, nevertheless, That no deed, to be executed in pursuance of this act, shall discharge the lands and tenements to be thereby conveyed, from the lien of the consideration money therefor, until it shall be actually paid or secured, according to the terms of the contract.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall commence or prosecute any action or suit against the executors or administrators of any person deceased, upon such contract, without first causing or procuring the same to be proved and recorded in manner aforesaid, and giving notice thereof to the defendant or defendants, and allowing him or them time, until six weeks after the next succeeding court, to apply for leave to execute a deed for the specific performance of the contract, in manner aforesaid, such plaintiff or plaintiffs shall not be entitled to recover damages or costs for the non-performance of such contract, if the defendant or defendants shall plead, and upon the trial prove, that he, she or they were always ready, on reasonable notice, to perform the same, and shall, before the trial, produce in court a deed of conveyance pursuant to the contract, duly made and executed according to the forms by this act required.

(Section IV, P. L.) And whereas great inconveniences are often sustained, in cases where lands, tenements or hereditaments are devised to be sold by executors, from the want of power in such executors to bring actions for the recovery of possession thereof, and against trespasses thereon, and otherwise manage such estates, for the benefit of those who may be interested therein:

[Section IV.] Be it further enacted by the authority aforesaid, That when by the last will and testament of a decedent, a naked authority only to sell lands, tenements or hereditaments, shall be given to executors, they shall take and hold the same interest in such lands, tenements or hereditaments, and have the same powers and authorities respecting the same, as if the said lands, tenements or hereditaments were devised to them to be sold, saving always to every testator the right to direct otherwise.

Passed March 31, 1792. Recorded L. B. No. 4, p. 308. See Act of Assembly passed March 12, 1800, Chapter 2124.

CHAPTER MDCXIX.

AN ACT FOR ANNEXING THE LOGANIAN LIBRARY TO THE LIBRARY BELONGING TO THE LIBRARY COMPANY OF PHILADELPHIA, AND FOR OTHER PURPOSES THEREIN MENTIONED.

Whereas James Logan, formerly of Stenton, in the county of Philadelphia, squire, influenced by the patriotic desire of extending the benefits of learning among his fellow citizens, by deed, bearing date the eighth day of March, one thousand seven hundred and forty-five, conveyed to certain trustees, therein named, a lot of ground situate on the west side of Sixth street, in the city of Philadelphia, between Chestnut and Walnut streets, with the building thereon erected, and a large and valuable collection of books, for the use of the inhabitants of the city of Philadelphia; and for the support of the said institution, by the same deed, he vested in the said trustees

certain rents charge therein described, and reserved to himself the right of altering or canceling the said deed, and afterwards proposing to settle other rents charge, and appoint other trustees for the same purposes, he canceled the said deed, and partly prepared another, which he did not live to complete, and by his last will and testament, bearing date the twenty-fifth day of November, one thousand seven hundred and forty-nine, the said James Logan reserved from his residuary estate, and devised the two rents charge thereafter mentioned, declaring them to be intended for the use of the said institution, and since his death, William Logan and James Logan, sons of James Logan aforesaid, John Smith and Hannah his wife, the said Hannah Smith being the surviving daughter of James Logan, the elder; and the said William Logan, James Logan and John Smith being the surviving executors of his last will and testament, induced by the same laudable motives, and desirous of carry[ing] the intention of their father into effect, by deed bearing date the twenty-eighth day of August, in the year one thousand seven hundred and fifty-four, between the said parties on the one part, and Israel Pemberton, Junior, William Allen, Richard Peters and Benjamin Franklin, of the other part, conveyed to, and vested in, the said Israel Pemberton, Junior, William Allen, Richard Peters and Benjamin Franklin, their heirs and assigns, to the use of the said William Logan, James Logan, John Smith, Israel Pemberton, Junior, William Allen, Richard Peters and Benjamin Franklin, their heirs and assigns forever, in trust for the purposes hereafter mentioned, the messuage and lot of ground before mentioned, situate on the west side of Sixth street, between Chestnut and Walnut streets, in the city of Philadelphia, in the said deed particularly described, with all and singular the books therein deposited, according to the catalogue thereof, the uses and trusts of which settlement were in substance as follows; that is to say, "That there should be a perpetual succession of trustees, part of whom should be of the descendants of the said James Logan, the elder, preferring the male line to the female, as long as any of his descendants remained; that one of his male descendants, taken in priority of birth, and preferring the male line to the

female line, should be librarian of the said public library, with a power of employing deputies; that the library should be opened for the public use of the citizens; and that such books might be borrowed thereout, under certain restrictions;" and for supporting the expense of the institution, and enlarging the collection by the purchase of other books from time to time, the said parties of the first part, by the same deed, conveyed to the said parties of the second part, to the use aforesaid, and on the trusts aforesaid, the said rents charge, devised in the said last will and testament of the said James Logan, the elder, to wit, a certain rent charge of twenty-one pounds sterling per annum, with clauses of increase at stated periods, according to the valuation of disinterested men, issuing out of a certain tract of land, situate in Solebury township, Bucks county, containing three hundred and ninety-six acres and three quarters of an acre, which by deed, dated the first day of May, in the year one thousand seven hundred and fifty, was granted by the said James Logan, the elder, to Jonathan Ingham, in fee simple, and also a certain rent charge of ten pounds sterling per annum, with the like clauses of increase, issuing out of a certain other tract of land in the same township and county, containing two hundred acres, which by deed, dated the twenty-sixth day of May, in the year one thousand seven hundred and fifty, was granted by the said James Logan, the elder, to Jacob Dean, in fee simple: And whereas the said library was thereupon opened for public use, according to the provisions in the said settlement contained, but since the death of the said William Logan, who was the first librarian, the avocations of the other trustees, the situation of public affairs, and other causes, have suspended the provisions of this liberal institution, although the books are found upon examination to be in good condition: And whereas an addition has been made to the said collection, for the same purposes, of near one thousand volumes, by the will of the said William Logan, and the whole now consists of about three thousand five hundred volumes;

And whereas James Logan, the only surviving trustee of

the said institution, hath requested the legislature, that pursuant to an agreement made between him and the directors of the Library Company of Philadelphia, the said messuage, lot of ground, two rents charge, and the books and other things in the said messuage contained, may be vested in the Library Company of Philadelphia, and that power may be given to make such provisions as may tend most effectually to render the said institution beneficial to the public, consistently with the design of the founder, and it appears to the legislature proper to aid him therein:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That all and singular the aforesaid messuage and lot of ground, two rents charge, with all and every the arrearages thereof, and the books and other property in the said messuage contained, shall be and they are hereby vested in the Library Company of Philadelphia, their successors and assigns forever, in trust for the support and increase of the said Loganian Library.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the directors of the said Library Company of Philadelphia, for the time being, together with James Logan and such two other trustees as he shall appoint, a majority of the whole of whom shall be a quorum, shall be trustees of the said Loganian Library, and may, and shall from time to time, make such by-laws, rules and regulations for the preservation and management thereof, as consistently as may be, with the meaning and instructions of the said donors, as occasion shall require. Provided always, That the said books and other property now in the said messuage, and such additions thereto as may be made, shall always be kept separate and apart from the books belonging to the Library Company of Philadelphia, and to be called by the name of the Loganian Library, agreeably to the intention of the donor, and for continuing a succession of trustees composed of the descendants of the said James Logan, the elder, or of persons appointed by such descendants.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That upon the demise of the said James Logan, son of James Logan, the elder, the next heir male of the said James Logan, the elder, if resident in the city of Philadelphia, or within seven miles thereof, preferring the issue of the eldest son to the issue of the second, or other son, and the male line to the female line, and in case of the extinction of the male line, then the eldest heir male in the female line shall always be one of the trustees of the said institution, and shall have power to supply vacancies in case of the death or resignation of any one of the said associate trustees, and in case such male heir shall not be resident in the said city of Philadelphia, or within seven miles thereof, or shall be in his minority, the survivor or survivors of such associate trustees shall supply such vacancy, as it shall happen.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said trustees shall have power to dispose of, at public sale, the said messuage and lot of ground in Sixth street aforesaid, the proceeds whereof shall be applied to the general purposes intended by the donors, and to demand, and by all lawful ways and means levy, recover and receive all and every the arrears of the said rents charge, whether the same accrued before the passing of this act, or shall hereafter accrue by distress or action, in the corporate name of the Library Company of Philadelphia.

Passed March 31, 1792. Recorded L. B. No. 4, p. 311. Supplement
passed April 14, 1794, Chapter 1741.

CHAPTER MDCXX.

AN ACT TO AUTHORIZE THE REGISTER GENERAL AND COMPTROLLER GENERAL TO ADJUST AND SETTLE THE ACCOUNTS OF JOHN WETZEL.

Whereas it has been represented to the legislature by John Wetzel, that by an order of the supreme executive council,

bearing date the fourteenth day of July one thousand seven hundred and seventy-eight, he was directed to call forth the first, second, third and fourth classes of the militia, in Northampton county, in order to procure three hundred men to act in conjunction with Colonel Hartley's regiment against the Indians on the frontiers of said county, but not being able to procure more than two hundred and eighty men, and being desirous to comply with the said order, he enlisted the remaining twenty men for the sum of seven hundred and fifty pounds continental currency:

And whereas the comptroller general was not authorized by law to allow the said money in the account of the said John Wetzel, and it is no more than just, that the said John Wetzel should be indemnified: Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, that the register general and comptroller general are hereby authorized to settle and adjust the account of John Wetzel, on principles of equity and justice, and to carry the balance that shall be due to the said John Wetzel, by reason of the expenses incurred by him in procuring the men necessary to complete the number mentioned in the order of the supreme executive council, dated the fourteenth day of July one thousand seven hundred and seventy-eight, to his credit in the settlement of his accounts with this commonwealth as lieutenant of Northampton county.

Passed April 3, 1792. Recorded L. B. No. 4, p. 314.

CHAPTER MDCXXI.

AN ACT FOR DIVIDING THE FOURTH ELECTION DISTRICT IN BEDFORD COUNTY INTO TWO SEPARATE ELECTION DISTRICTS.

Whereas the inhabitants of Quemahoning, Brother's Valley and Elklick townships, Turkeyfoot and Milford, in Bedford

county, have by their petitions set forth that they labor under great inconvenience, on account of the distance they live from the place of holding their general elections: For remedy whereof:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the freemen of the townships of Quemahoning, Brother's Valley and Elklick in the county of Bedford, shall, from and after the passing of this act, meet and hold their general elections at the house now occupied by Robert Philson, in the town of Berlin, in the township of Brother's Valley, in the county aforesaid, any law to the contrary notwithstanding.

[Section I.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the townships of Turkeyfoot and Milford, in Bedford county, shall, from and after the passing of this act, be erected into a separate election district, to be called the fifth district in the county aforesaid, and the freeman of said district, hereby erected, shall hold their general elections at the house now occupied by Jesse Brakins, in Turkeyfoot township, in the county aforesaid.

Passed April 3, 1792. Recorded L. B. No. 4, p. 315.

CHAPTER MDCXXII.

A SUPPLEMENT TO THE SEVERAL ACTS FOR RAISING COUNTY RATES AND LEVIES.¹

Whereas the county rates and levies cannot now be made agreeably with the existing laws; and whereas the former mode has been attended with much expense and inconvenience: For remedy whereof:

¹See act passed March 20, 1724-5, Chapter 284.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the several officers who, by the existing laws of the commonwealth are authorized to lay and assess county or city rates or taxes, either to lay and assess such taxes, according to the regulations that were prescribed to lay and assess state taxes prior to the passing of the act, entitled "An act granting relief to certain creditors of the state," and for repealing part of an act, entitled "An act for furnishing the quota of this state towards paying the annual interest of the debts of the United States, and for funding and paying the interest of the public debts of this state,"² passed the ninth day of April, one thousand seven hundred and ninety-one, or to lay and assess the said county or city rates or taxes, according to the last state tax laid and assessed in the particular county, although more than twelve months may have elapsed since the laying of such state tax, as to the said officers shall appear most beneficial to their respective counties, any act to the contrary notwithstanding. Provided always, That the said officers shall conform themselves to all the other regulations and restrictions enjoined by law in the laying and assessing of such county or city rates or taxes. And provided also, That nothing in this act contained shall extend to authorize such officers to lay or assess any county, city, township or district rates or taxes upon any tract or tracts of land upon which no state tax has heretofore been laid and assessed.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That all road, poor and other township, ward or district taxes in the city of Philadelphia, and the several counties of this commonwealth, shall be levied, assessed and laid on the said returns of property, during the said period, and in proportion to the last county tax which hath been laid in the respective county.

[Section III.] Provided always, and be it further enacted by the authority aforesaid, That where any of the county com-

²Chapter 1560.

missioners have already proceeded to assess or levy a county tax in the city of Philadelphia, or any county of this state, it shall and may be lawful for the said commissioners to carry on and complete the assessing, levying and collecting said tax, as fully and perfectly as if a state tax had been laid in said city or county within one year previous to such assessment, anything in this or any former act to the contrary in anywise notwithstanding.

[Section IV.] (Section III, P. L.) And be it enacted by the authority aforesaid, That no located unimproved lands shall be advertised or put to sale, for the payment of taxes laid subsequent to the passing of this act, before the thirty-first day of December, in the year one thousand seven hundred and ninety-three.

[Section V.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That this act shall continue in force until the thirty-first day of December, which shall be in the year one thousand seven hundred and ninety-three, and no longer.

Passed April 3, 1792. Recorded L. B. No. 4, p. 316. Revised and continued by Act of April 8, 1794, Chapter 1729. See the supplement to this act passed April 8, 1794, Chapter 1729, and the Act of Assembly passed April 17, 1795, Chapter 1852.

CHAPTER MDCXXIII.

AN ACT DECLARING LITTLE LEHIGH AND POCOPOCO OR BIG CREEK, IN NORTHAMPTON COUNTY, AND PENN'S CREEK, IN NORTHUMBERLAND COUNTY, PUBLIC HIGHWAYS.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Little Lehigh, in Northampton county, shall be a public highway, from the mouth thereof up to Adam Deshler's mill dam.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any person and persons, to make and keep open at his or their own expense, a passage in Jacob Weiss' mill dam, across Pocopoco or Big creek, in Northampton county aforesaid, sufficient for the passage of rafts and boats, provided that the said passage, so made and kept open, shall not injure the private rights of the said Jacob Weiss, his heirs or assigns; and the said Pocopoco creek, from the mouth to the falls thereof, shall be a public highway from and after the passing of this act, saving the rights of the said Jacob Weiss, as aforesaid.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That from and after the passing of this act, Penn's creek, in the county of Northumberland, below the mouth of Sinking creek, not heretofore declared a public highway, shall hereafter be, and is hereby, declared to be a public highway, from the mouth thereof to the mouth of Sinking creek.

Passed April 3, 1792. Recorded L. B. No. 4, p. 317. Supplement passed March 6, 1793, Chapter 1661. See Act of April 11, 1795, Chapter 1829.

CHAPTER MDCXXIV.

AN ACT FOR THE SALE OF THE VACANT LANDS WITHIN THIS COMMONWEALTH.

Whereas the most valuable lands within this commonwealth, included within the purchase made from the native Indians in the year one thousand seven hundred and sixty-eight, have been taken up, located and appropriated for the use of divers purchasers, at prices heretofore established by law, and those which remain unsold and unsettled, being inferior in quality and situation, cannot be sold at the same prices; and whereas the prices fixed by law for other lands belonging to the com-

monwealth, are found to be so high as to discourage actual settlers from purchasing and improving the same:

[Section I.] (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the price of all the vacant lands within the limits of the purchase made of the Indians in the year one thousand seven hundred and sixty-eight, and all preceding purchases, excepting always such lands as have been previously settled upon or improved, shall be reduced to the sum of fifty shillings for every hundred acres, and the price of vacant lands, within the limits of the purchase made of the Indians in the year one thousand seven hundred and eighty-four, and lying east of Allegheny river and Conewango creek, shall be reduced to the sum of five pounds for every hundred acres thereof, and the same shall and may be granted to any person or persons applying for the same at the price aforesaid, in the manner and form accustomed under the laws heretofore enacted and now in force.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That from and after the passing of this act, all other lands belonging to this commonwealth, and within the jurisdiction thereof, and laying north and west of the rivers Ohio and Allegheny and Conewango creek, excepting such parts thereof as heretofore have been, or hereafter shall be, appropriated to any public or charitable use, shall be, and are hereby offered for sale to persons who will cultivate, improve and settle the same, or cause the same to be cultivated, improved and settled, at and for the price of seven pounds ten shillings for every hundred acres thereof, with an allowance of six per centum for roads and highways, to be located, surveyed and secured to such purchasers, in the manner hereinafter mentioned.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That upon the application of any person who may have settled and improved, or is desirous to settle and improve, a plantation within the limits aforesaid,

to the secretary of the land office, which application shall contain a particular description of the lands applied for, there shall be granted to him a warrant for any quantity of land within the said limits, not exceeding four hundred acres, requiring the surveyor general to cause the same to be surveyed for the use of the grantee, his heirs and assigns forever, and make return thereof to the surveyor general's office, within the term of six months next following, the grantee paying the purchase money, and all the usual fees of the land office.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the surveyor general shall, with the approbation of the governor, divide the lands thus offered for sale into proper and convenient districts, in such manner as he may think expedient, so that the boundaries of each district, either natural or artificial, may be known, and appoint one deputy surveyor for each district, who shall give bond and security, as is customary with other deputy surveyors in this commonwealth, and shall reside within, or as near as possible to, his respective district; and every such deputy surveyor shall, within sixty days next after his appointment, certify to the surveyor general, the county, township and place where such deputy surveyor shall keep his office open, for the purpose of receiving warrants, in order that all persons who may apply for lands as aforesaid may be duly informed thereof; and every deputy surveyor who shall receive any such warrant, shall make fair and clear entries thereof in a book, to be provided by him for that purpose, distinguishing therein the name of the person therein mentioned, the quantity of land, date thereof, and the day on which such deputy surveyor shall receive the same, which books shall be open at all seasonable hours, to every applicant, who shall be entitled to copies of any entries therein, to be certified as such, and signed by the deputy surveyor, the party paying one quarter of a dollar therefor.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the deputy surveyor shall, at the reasonable request and proper cost and charges of the respective grantees in such warrants named, proceed to sur-

vey the lands in such warrants described, as nearly as may be, according to the respective priorities of their warrants; provided, that they shall not, by virtue of any warrant, survey any tract of land that may have been actually settled and improved prior to the date of the entry of such warrant with the deputy surveyor of the district, except for the owner of such settlement and improvement; and having perfected such surveys, shall enter the same in a book to be kept by the deputy surveyor, and to be called the survey book, and the same book shall remain in his office, liable to be inspected by any person whatsoever, who shall demand to see the same, upon the payment of eleven pence for every search; and the deputy surveyor shall cause copies of any such survey to be made out and delivered to any person, upon the payment of one quarter of a dollar for each copy.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That in making any survey by any deputy surveyor, he shall not go out of his proper district to perform the same, and that every survey made by any deputy surveyor without his proper district shall be void and of non effect; and the surveyor general and his deputies are hereby severally directed and enjoined to survey, or cause to be surveyed, the full amount of land contained and mentioned in any warrant, in one entire tract, if the same can be found, in such manner and form as that such tract shall not contain in front on any navigable river or lake, more than one-half of the length or depth of such tract, and to conform the lines of every survey in such manner as to form the figure or plot thereof, as nearly as circumstances will admit, to an oblong, whose length shall not be greater than twice the breadth thereof; and in case any such survey should be found to contain a greater quantity of land than is mentioned in the warrant on which it shall be made, so that such excess be not more than one-tenth of the number of acres mentioned in such warrant, besides the usual allowances for roads and highways, the return thereof shall nevertheless be admitted under the warrant, provided the party procuring such return to be made shall forthwith pay to the receiver general of the land office, the price or value of such

excess or overplus land, at the same rate at which he paid for the land mentioned in the warrant.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That every deputy surveyor to be appointed by virtue of this act shall, within the month of February in the next year, make and return into the office of the surveyor general, plots of every survey which he shall have made in pursuance of any warrant, connected together in one general draft, so far as they may be contiguous to each other, with the courses and distances of each line, the quantity of land contained in each survey, and the name of the person for whom the same was surveyed; and every succeeding year he shall make a like return of the surveys made in the year preceding.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the deputy surveyor of the proper district shall, upon the application of any person who has made an actual settlement and improvement on lands lying north and west of [the] rivers Ohio and Allegheny, and Conewango creek, and upon such person paying the legal fees, survey and mark out the lines of the tract of land to which such person may, by conforming to the provisions of this act, become entitled, by virtue of such settlement and improvement. Provided, That he shall not survey more than four hundred acres for such person, and shall, in making such survey, conform himself to all the other regulations by this act prescribed.

[Section IX:] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That no warrant or survey to be issued or made in pursuance of this act, for lands lying north and west of the rivers Ohio and Allegheny, and Conewango creek, shall vest any title in or to the lands therein mentioned, unless the grantee has, prior to the date of such warrant, made, or caused to be made, or shall, within the space of two years next after the date of the same, make, or cause to be made, an actual settlement thereon, by clearing, fencing and cultivating at least two acres for every hundred acres contained in one survey, erecting thereon a messuage for the habitation of man, and residing or causing a family to reside thereon, for the space

of five years next following his first settling of the same, if he or she shall so long live; and that in default of such actual settlement and residence, it shall and may be lawful to and for this commonwealth to issue new warrants to other actual settlers for the said lands, or any part thereof, reciting the original warrants, and that actual settlements and residence have not been made in pursuance thereof, and so as often as defaults shall be made, for the time and in the manner aforesaid, which new grants shall be under the subject to all and every regulations contained in this act. Provided always, nevertheless, That if any such actual settler, or any grantee in any such original or succeeding warrant, shall, by force of arms of the enemies of the United States, be prevented from making such actual settlement, or be driven therefrom, and shall persist in his endeavors to make such actual settlement as aforesaid, then, in either case, he and his heirs shall be entitled to have and to hold the said lands, in the same manner as if the actual settlement had been made and continued.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the lands actually settled and improved according to the provisions of this act, to whosoever possession they may descend or come, shall be and remain liable and chargeable for the payment of the consideration or purchase money, at the rate aforesaid for every hundred acres, and the interest thereon accruing from the dates of such improvements; and if such actual settler, not being hindered as aforesaid, by death, or the enemies of the United States, shall neglect to apply for a warrant for the space of ten years after the time of passing this act, it shall and may be lawful to and for this commonwealth, to grant the same lands, or any part thereof, to others, by warrants reciting such defaults; and the grantees complying with the regulations of this act shall have, hold and enjoy the same to them, their heirs and assigns; but no warrant shall be issued in pursuance of this act until the purchase money shall be paid to the receiver general of the land office.

[Section XI.] Section XI, P. L.) And be it further enacted, by the authority aforesaid, That when any caveat is deter-

mined by the board of property, in manner heretofore used in this commonwealth, the patent shall nevertheless be stayed for the term of six months, within which time the party against whom the determination of the board is, may enter his suit at common law, but not afterwards; and the party in whose favor the determination of the board is, shall be deemed and taken to be in possession, to all intents and purposes of trying the title, although the other party should be in actual possession, which supposed possession shall nevertheless have no effect upon the title; at the end of which term of six months aforesaid, if no suit is entered, a patent shall issue according to the determination of the board, upon the applicant producing a certificate of the prothonotary of the proper county that no suit is commenced, or if a suit is entered, a patent shall, at the determination of such suit, issue in common form to that party in whom the title is found by law; and in both cases the patent shall be and remain a full and perfect title to the lands against all parties and privies to the said caveat or suit; saving nevertheless to infants, femmes coverts, persons beyond sea, non-compotes mentes, and others under disabilities, their respective rights, until twelve months after such disabilities are removed.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That no direct taxes shall be levied, assessed or collected, for the use of this commonwealth, upon or from any of the lands or tenements lying north and west of the purchase made of the Indians in the year one thousand seven hundred and sixty-eight, or the personal estate found thereupon, for the full space or term of ten years from and after the passing of this act.

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the following tracts of land shall be reserved for the use of the commonwealth, that is to say: at Presque Isle, formed by Lake Erie, the island or peninsula which forms the harbor and a tract extending eight miles along the shore of the lake, and three miles in breadth, so as to include the tract already surveyed, by virtue of a resolution of the general assembly, and the whole of the harbor

formed by the said Presque Isle at the mouth of Harbor creek, which empties into the Lake Erie, and along the shore of the lake on both sides of said creek, two thousand acres.

[Section XIV.] (Section XIV P. L.) And be it further enacted by the authority aforesaid, That all the lands within the triangle on Lake Erie, purchased from the United States, shall be taken and deemed, and they are hereby declared to be, within the limits of the county of Allegheny.

[Section XV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the holder or holders of any unsatisfied warrant and warrants, heretofore issued for lands, agreeably to the seventh section of the act, entitled "An act to alter and amend an act of assembly, entitled 'An act for opening the land office for granting and disposing of the unappropriated lands within this state,'" passed on the twenty-first day of December, in the year one thousand seven hundred and eighty-four, to locate the quantity of land for which such unsatisfied warrant and warrants was and were granted, in any district of vacant and unappropriated land within this commonwealth, provided the owner or owners of such unsatisfied warrants shall be under the same regulations and restrictions as other owners of warrants taken for lands lying north and west of the Allegheny river and Conewango creek, are made subject by this act, the said recited act, or any other act or acts of the general assembly, to the contrary thereof in anywise notwithstanding.

Passed April 3, 1792. Recorded L. B. No. 4, p. 319. Laying out town of Presque Isle; see Act of April 8, 1793, Chapter 1677. Donation lands promised State troops; see Act of April 6, 1792, Chapter 1637. See Acts passed April 18, 1856, appointing commissioners to lay out the town of Erie.

¹Chapter 1122.

CHAPTER MDCXXV.

AN ACT FOR ESTABLISHING AND BUILDING A BRIDGE ACROSS THE RIVER LEHIGH, AT BETHLEHEM, IN THE COUNTY OF NORTHAMPTON.

Whereas it hath been represented by a number of the inhabitants of the county of Northampton, that the erecting of a good and substantial bridge across the river Lehigh, at or near the present ferry at Bethlehem, in the county aforesaid, would greatly benefit the trade and general interest of the community; and whereas John Shropp, in order to effect an uninterrupted communication between the city of Philadelphia and the northern counties of this state, is desirous of erecting a bridge across the said river Lehigh, at the place aforesaid, at his proper cost and expenses, and therefore hath prayed the general assembly to vest the said bridge, when built, in him, his heirs and assigns forever, with liberty to demand and receive such toll or fees from travelers as hereinafter mentioned and expressed; and whereas it appears to the legislature of this commonwealth that the erection of a toll bridge across the river Lehigh, as proposed by the said John Shropp, will be beneficial to the public: Therefore:

[Section I.] (Section I. P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for the said John Shropp, his heirs and assigns, to erect and build, maintain and support, a good and substantial bridge over and across the river Lehigh, at or near the present ferry at Bethlehem, and that the property of the aforesaid bridge, when built, shall be, and the same is hereby vested in the said John Shropp, his heirs and assigns forever; and that the said John Shropp, his heirs and assigns, shall and may demand and receive toll from travelers and others, according to the following rates, viz.: for every coach, landau, chariot, phaeton or

other pleasurable carriage with four wheels, drawn by four horses, the sum of three shillings, and for the same carriage, with two horses, the sum of two shillings and six pence; for every wagon with four horses, when loaded, the sum of three shillings, and for the same when empty, the sum of two shillings and four pence; for a loaded wagon with two horses, two shillings and six pence, and for the same when empty, two shillings; for every chaise, riding chair, cart or other two-wheeled carriage, with two horses, the sum of one shilling and ten pence, and for the same with one horse, the sum of one shilling and six pence; for every sleigh or sled, with four horses, the sum of three shillings, and for the same with two horses, one shilling and six pence, and for the same with one horse, the sum of one shilling and two pence; for a single horse and rider, the sum of six pence; for every horse, the sum of five pence; for every foot passenger, the sum of one penny; for every head of horned cattle, the sum of four pence; for every sheep and swine, the sum of one penny. Provided always, nevertheless, That nothing in this act contained shall extend to authorize the said John Shropp, or any other person, to erect a bridge in the manner in this act before mentioned, without the consent of the owners of the ground on each side of and contiguous to the said river, where the said bridge may be erected, or to erect the same in such manner as in any way to interfere with, injure or interrupt the navigation of the said river, or the passage over the ford across the same near the said ferry.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That if the said John Shropp, his heirs or assigns, or whosoever shall hereafter own or possess the said bridge, shall exact or demand any greater rates or prices for the passage over the same, than what is herein before prescribed or specified, or shall neglect to keep the said bridge in good repair, he, she or they so offending shall, for every such offence, forfeit and pay the sum of ten pounds, one moiety thereof to the overseers of the poor of Bethlehem township, in the county of Northampton, for the benefit of the poor of said township, and the other moiety thereof to the party

who may sue for the same, to be recovered before any justice of the peace of the said county, who is hereby empowered, on information made to him on oath, or affirmation, of any such offence, to issue his summons or warrant to any constable of said county, commanding him to bring or cause every person against whom information shall be made to come before him, and on due proof of the said offence, to convict such person thereof, and on such conviction, to issue his warrant after the expiration of six days from the date of such conviction, to any such constable, to levy the sum of money on the goods and chattels of such offender, by distress and sale thereof, and in case no goods or chattels of the said offender can be found, on which to make such distress, then to take his body and commit him to the gaol of the county where the offence is committed, until the sum is paid. Provided always, That any person, as aforesaid convicted, who shall find himself aggrieved thereby, may within the said six days, appeal to the next court of quarter session for the county, which appeal on giving security within the same time, shall be allowed; and if the conviction so made by said justice, shall be confirmed, the said justice shall proceed to levy the said forfeiture in manner hereinbefore directed: And provided also, That no suit or action shall be brought unless the same is brought within two months after the offence is committed.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That if the legislature should at any time after the erecting and building of said bridge, declare the same a free bridge by law, three persons shall be appointed by the legislature, on the part of this commonwealth, and three by the said John Shropp, his heirs and assigns, who, or any four or more of them, shall estimate what sum or sums of money the said John Shropp, his heirs or assigns, shall be entitled to as a compensation for his trouble and expense in building and maintaining said bridge, and an indemnification for the ferry hitherto kept by the owner of the shores, which sum or sums shall be paid to the said John Shropp, his heirs or assigns, by the state treasurer, out of the money appropriated for the expenses of the government.

Passed April 3, 1792. Recorded L. B. No. 4, p. 318.

CHAPTER MDCXXVI.

AN ACT TO VEST IN CHRISTOPHER ZIMMERMAN AND DAVID SOWER, IN TRUST FOR THE USE OF ALL AND EVERY THE LEGAL REPRESENTATIVES OF CHRISTOPHER SOWER, DECEASED, SUCH PARTS OF HIS FORFEITED ESTATE AS HAVE NOT BEEN SOLD FOR THE BENEFIT OF THE COMMONWEALTH.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That all right, title, interest, property, claim and demand, whatsoever, which this commonwealth hath in, to and out of such part of the estate, real and personal, of Christopher Sower, deceased, forfeited by his attainder, as hath not been heretofore seized, sold, aliened or otherwise disposed of, by and on account of the public, shall be and the same is hereby granted, conveyed, assigned and set over unto Christopher Zimmerman and David Sower, their heirs, executors, administrators and assigns forever, in trust for the use of all and every the legal representatives of the said Christopher Sower, and their heirs, executors, administrators and assigns, forever, as if the attainder of the said Christopher Sower had not taken place.

Passed April 4, 1792. Recorded L. B. No. 4, p. 326.

CHAPTER MDCXXVII.

AN ACT TO PROVIDE FOR THE SETTLEMENT OF PUBLIC ACCOUNTS, AND FOR OTHER PURPOSES THEREIN MENTIONED.

Whereas the present mode of settling the accounts of this commonwealth is, in many respects, defective: And whereas it is necessary that some uniform mode should be adopted in the appointment of the officers of the treasury department

of this commonwealth, agreeably to the fifth section of the sixth article of the constitution:

[Section I.] (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, all accounts between the commonwealth and any person or persons, body politic or corporate, as well those with the officers of the revenue, and other persons intrusted with public moneys, as those with persons having demands against this commonwealth, excepting only the accounts between the United States and this commonwealth, and the accounts of moneys due to this commonwealth for land, or from persons indebted to the loan offices of the years one thousand seven hundred and seventy-three and one thousand seven hundred and eighty-five, shall be submitted to, and in the first instance examined, liquidated, and adjusted by the register general, who shall for that purpose have the like powers, as by the existing laws of the commonwealth were vested in him for the purpose of settling those accounts, which were heretofore submitted to him in the first instance, and also all and every the powers which have been heretofore by law vested in the comptroller general, to enable him to compel the settlement of such accounts; and the register general shall, after liquidation and adjustment of every such account, transmit the same, with all the papers and vouchers which he has receive relative thereto, to the comptroller general, who, after examination thereof, shall, if he approve the same, return them, together with his approbation, to the register general; but if the comptroller general disapprove thereof, he shall, after [having] in writing informed the register general of such his disapprobation, and the reasons thereof, if they cannot then agree, transmit the same together with a statement of his objections to the governor, who shall thereupon, after having inquired into the reasons of the register general in support of his opinion, decide as to the nature of the case may require, and return the said accounts and the vouchers thereof to the comptroller general, who shall submit the same to the inspec-

tion of the register general. Provided always, That in all cases where the parties shall not be satisfied with the settlement of their respective accounts in the manner aforesaid, or where there shall be reason to suppose that justice has not been done to the commonwealth, the governor may and shall, in like manner, and upon the same conditions as heretofore, allow appeals, or cause suits to be instituted as the case may require.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That where any account shall be finally settled, either by the comptroller general and register general, or in case of their disagreement, by the governor, or upon suit instituted in or appeal made to the supreme court, agreeably to the provisions contained in this act, the comptroller general and the register general shall each of them cause the same to be entered in suitable books, to be kept in their respective offices, and each of the said officers shall at all times be permitted to inspect and examine all the books of the other, which they are hereby enjoined and directed mutually to exhibit, upon request made for the purpose aforesaid; and upon such entry being made as aforesaid, they shall jointly certify the balance of such account, and the fund out of which the same is payable, to the governor, who shall thereupon draw a warrant on the state treasurer for the amount thereof, which warrant shall be countersigned by the register general and comptroller general and entered on their respective books, and all the accounts, papers and vouchers relative thereto shall be filed in the office of the comptroller general, and kept by him; and should it so happen that there is no appropriated fund, out of which the said balance can be paid, a certificate signed and entered in the like manner shall be delivered to the party to whom the said balance is due, stating that upon a settlement of accounts made and approved by the register general and comptroller general, or in case of their disagreement, by the governor, or in case of suit brought in or appeal made to the supreme court, upon the verdict of a jury or otherwise, as the case may be, there is such a sum due, as shall have been settled or determined in either of the modes aforesaid.

[Section III.] (Section III, P. L.) And be it further enacted

by the authority aforesaid, That where any certificates shall have been issued according to the foregoing provisions, the register general shall lay before the legislature, during the first week of their next ensuing session, a list of all such certificates, together with the sums for which they have been respectively given, and the names of the persons in whose favor they have been drawn, in order that provision may be made for the payment thereof; but no certificate bearing interest shall in any instance be issued by the comptroller general and register general. Provided always, That in the cases where a person or persons, by the existing laws of the commonwealth, are entitled to receive interest upon his, her or their respective demand or demands, the same shall be allowed him, her or them, from the respective periods at which he, she or they, by law, are entitled thereto, until the time of payment.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the comptroller general shall, and he is hereby required without delay, to make out a balance sheet, containing a full and correct list of all the balances due to and from the commonwealth on the twenty-eighth day of March, one thousand seven hundred and eighty-nine, and furnish the register general with a copy thereof on or before the thirty-first day of May, one thousand seven hundred and ninety-two, who shall, after having examined the same, make out a full and correct list of all the balances due to and from the commonwealth on the thirtieth day of June, one thousand seven hundred and ninety-two, and on or before the first of August, one thousand seven hundred and ninety-two, submit the same to the comptroller general for his examination and approbation; and on the first day of July, one thousand seven hundred and ninety-two, each of the said officers shall open, in his respective office, a regular set of books, to contain an exact and particular statement, as well of the said balances, as of all accounts which may hereafter be settled agreeably to the provisions in this act contained, which said balances shall be entered in the said book, to the debit and credit of the respective accounts to which they may severally belong;

which entries shall be made, and all the accounts of the commonwealth shall hereafter be kept, in dollars and cents.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That from and after the passing of this act, it shall be the duty of the comptroller general, and he is hereby authorized and required to compel delinquent person or persons, intrusted with the collection or custody of public moneys, to account for and pay the same as directed by law; and for the better enabling him to effect the same, he is hereby invested with, and it shall henceforth be lawful for him to use and exercise, all and every the powers and authorities touching the same, as he might or could legally have used and exercised before the first day of April, one thousand seven hundred and ninety, or as the state treasurer might or could heretofore legally have exercised by virtue of an act of general assembly passed on the fourth day of October, one thousand seven hundred and eighty-eight; and the like proceedings shall be had upon warrants, issued by the comptroller general, as are by the said law directed in proceedings under the warrants of the state treasurer against delinquent county treasurers.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the state treasurer shall, on or before the first day of August next, deliver to the comptroller general all the accounts and vouchers respecting the settlement of accounts heretofore settled by him, which are in his possession; and the register general shall, together with the balance sheet which, by this act he is directed to furnish the comptroller general with, deliver to the said comptroller general all the accounts and vouchers respecting the settlement of accounts heretofore settled by him which are in his possession.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That so much of the act of assembly entitled "An act to enforce the due collection of the revenues of the state, and for other purposes therein mentioned,"¹ enacted the first day of April, one thousand seven hundred and ninety, as relates to the duties to be

¹Chapter 1506.

performed by the state treasurer, in the examination, delivery and canceling of the certificates directed by the said act of assembly, to be delivered to the register general and canceled, is hereby repealed, and the register general and comptroller general are hereby authorized, enjoined and required, to proceed, without delay, in the examination and canceling of the certificates, which are by the said act directed to be canceled.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the state treasurer be, and he is hereby enjoined, quarterly and every quarter, to deliver to the register general all the certificates issued by the state, which he has received or may receive from the receiver general of the land office, which certificates shall be cancelled, in the same manner as other state certificates are directed to be canceled, when delivered to the register general; and the register general shall deliver to the secretary of the commonwealth and comptroller general, severally, an exact list of all the certificates received and canceled by him, every and each time he shall receive the same.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the state treasurer, for each ensuing year, shall hereafter be appointed on the second Tuesday of January in every year, for which purpose each house shall, at least three days previous to such appointment, choose a teller, and furnish the other house with a minute of such choice; and on the day of such election the members of both houses shall assemble, at the hour of eleven in the morning in every succeeding year, alternately, in the chamber of each house, and the speaker of the house in whose chamber such meeting takes place, shall be chairman; and it shall be the duty of the said tellers, respectively, to take down in writing, the name of every person voting at such election, and that of the person for whom he voted, and make report thereof to their respective houses, in order that the same may be entered on their minutes; and when it shall appear that any person has been duly elected, duplicate certificates of such election shall be made out, and signed by the president of the said meeting, and by each of the said tellers, one copy whereof shall be sent

to the person elected, and the other shall be filed and recorded in the rolls office of this commonwealth; and the comptroller general and register general shall, from and after the passing of this act, be respectively appointed by the governor, subject to removal, on the address of both houses.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the register general shall, on the second Monday of January in every year, exhibit to the legislature a statement of the finances of the commonwealth; and the state treasurer shall, on the same day, lay before them a full and correct statement of his accounts, containing the receipts and expenditures of his office during the preceding year.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That so much of every act of general assembly, as is hereby altered or supplied, and no more, be, and the same is hereby, repealed. Provided always, nevertheless, That nothing herein contained shall impeach, invalidate or in anywise affect, any proceedings that have taken place, or any settlement that has been heretofore made, by virtue of any of the said acts of general assembly, or either of them.

Passed April 4, 1792. Recorded L. B. No. 4, p. 327, etc. See Act of April 10, 1793, Chapter 1679, appropriating \$25,000 for payment of certificates. See Act of April 3, 1794, Chapter 1727. Register and Comptroller Generals are ordered to settle accounts of certain militia officers, Act of April 8, 1794, Chapter 1735. See Act of April 22, 1794, Chapter 1761, for relief of John Laird. As to appropriation of \$10,000 for payment of certificates see Act of April 22, 1794, Chapter 1775.

See Act of February 25, 1795, Chapter 1802, as to appropriation of \$35,000 for payment and discharge of State certificates. As to payment of balance due certain commissioners see Act of April 11, 1795, Chapter 1830. See Act of March 23, 1796, Chapter 1887, granting pension. See Act of April 4, Chapter 1902, as to payment of certain expenses for defence of frontiers. See Act of April 5, 1797, Chapter 1954, as to settlement of claims for city lots. See Act of April 5, 1797, Chapter 1959, as to certain appropriations for clerk hire, printing, etc., for year '97. See Act of February 27, 1798, Chapter 1963, for defraying expense of a certain survey. See Act of April 4, 1798, Chapter 1998, making certain appropriations; also Act of April 11, 1799, Chapter 2093. See Act of March 3, 1800, repealing Section X. See Act of March 17, 1800, Chapter 2148.

CHAPTER MDCXXVIII.

**AN ACT FOR ESTABLISHING A NIGHTLY WATCH, PROVIDING LAMPS
AND SUPPORTING PUMPS, FOR PUBLIC USE, IN THE BOROUGH OF
LANCASTER, IN THE COUNTY OF LANCASTER.**

Whereas it has been represented that great advantage and benefit would arise to the inhabitants of the borough of Lancaster, in the county of Lancaster, if they were enabled by law to raise a public tax on themselves, and to make proper regulations in respect to lighting and watching their streets, and supporting a suitable number of pumps within the said borough.

[Section I.] (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That for the purposes in this act mentioned, the said borough of Lancaster shall be, and it is hereby divided into four wards, that is to say; all that part of the said borough to the north of King street, and to the east of Queen street, shall be one ward, and shall be called northeast ward; and all that part of the said borough to the north of King street, and to the west of Queen street, shall be one ward, and shall be called northwest ward; and all that part of the said borough to the south of King street, and to the east of Queen street, shall be one ward, and shall be called southeast ward; and all that part of the said borough to the south of King street, and to the west of Queen street, shall be one ward, and shall be called southwest ward.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That on the fourth Monday in September, annually, forever, the freeholders and taxable inhabitants in the said borough, shall elect by ballot one fit person in each ward to be assessor of the said borough, and one fit person in each ward to be the warden of the said ward, to serve for one year respectively; and the said election shall be

conducted in the following manner: that is to say, the high constable of the said borough, for the time being, having given public notice of the time of holding such election, at least five days before, by affixing two or more advertisements thereof in the most public places in each of the said wards, shall appoint one person from each ward to be judge of the election for the said ward, and one person from each ward as inspector for that ward, and the tickets of the votes at such election shall be received by the inspector of each ward in boxes, to be provided by the corporation, and separately appropriated to each ward respectively; and the person who shall then and there have the majority of votes in the said ward for assessor, shall be the assessor for one year; and the person in each ward respectively, who shall have the majority of votes in the said ward for warden, shall be the warden of that ward for one year; and the said election shall be held at the court house, in the said borough, and shall not continue open longer than ten o'clock in the evening, and a return of the whole election under the hands and seals of the said high constable and judges, shall be lodged by the said high constable in the office of the clerk of the peace of the county of Lancaster, on the day after the election; and in case any of the said assessors and wardens, when chosen, shall refuse to serve, or in case of the death or removal of any of them from the borough, the burgess and assistants, or a majority of them, shall forthwith appoint a proper person to fill any vacancy so occasioned by refusal, death, or departure from the borough until the next annual election under this act, and in like manner, as often as occasion may require; and if any warden, so chosen or appointed, shall refuse to serve, or having taken upon himself the office, shall wilfully neglect the duties thereof, such person or persons so offending shall respectively forfeit the sum of five pounds for every such offense, to be recovered in the manner directed in this act; but no person shall be compelled to serve the office of warden more than one year, in any term of three years; and in the meantime, until an election can be had in the manner prescribed in this section, Casper Ehrman shall be the warden for northeast ward; Henry Lechler, for northwest ward; Daniel

Ehler, for southeast ward; and John Reitzall for southwest ward; and Christopher Petery, Jacob Weaver, Matthias Young and Caleb Cope, shall be assessors.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the burgesses of the said borough, and at least four of the assistants shall, on or before the first Monday in October yearly, and every year, calculate what sum or sums of money may be needful and necessary to be raised on the real and personal estates of the freeholders and inhabitants, of the said borough, from time to time, which sum or sums, being allowed by the corporation, shall be applied to the best advantage for the purposes in this act mentioned, and shall forthwith give notice in writing to the said assessors, of the amount of the sum so to be raised; and it shall and may be lawful for the said assessors, within two weeks after such notice, and they are hereby directed and enjoined, to lay a rate or assessment upon the real and personal estates of themselves and all other freeholders and taxable inhabitants in the said borough, according to the method used in this commonwealth in making assessments for raising of county rates and levies, which rate or rates shall be laid according to the best of their skill and judgment, without favor or affection to any person whatsoever; for which service the said assessors shall be allowed twopence in the pound for all sums levied and collected by virtue of this act; and the better to enable the said assessors to make the said rates and assessments equally and impartially, the wardens of the said wards respectively, within five days after notice given to them by the said assessors, shall bring in returns in writing, of the names and estates of all persons within their respective wards, for which they shall be allowed twopence in the pound upon every sum assessed in their respective wards, which said assessment shall be returned to the corporation under the hands and seals of the said assessors, or any two of them.

Provided always, That no rate or assessment shall be made in one year, exceeding fourpence in the pound on the value of the real and personal estates of the freeholders and taxable inhabitants in the said borough; and in case there shall be any

deficiency in any one year's rate or assessment, so to be made as aforesaid, so that all the wages to watchmen, and other debts made and contracted by the said corporation, for the purposes in this act mentioned, with the incidental charges, cannot be fully paid and satisfied in that year, then and in that case, the deficiency so happening shall be paid out of the next succeeding year's rate and assessment, and so on, from year to year, till it shall be paid, and if there should be any surplus money collected by such rate and assessment in one year, such surplus shall be carried on to the account of the next year's rate and assessment, and in relief and ease of the same.

Provided always, That in making such rates and assessments, the assessors shall have power to assess such sum upon each single freeman in the said borough, according to his ability, not less than three shillings nor more than six shillings.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That a fit person shall be appointed collector of the said rates and assessments, by the said corporation, from time to time, and shall be liable to be removed for misbehavior or neglect; he shall be allowed sixpence in the pound upon all moneys by him collected and paid to the treasurer, pursuant to this act, and shall give bond, with two sufficient sureties, to the said corporation, and their successors, in the sum of two hundred pounds, conditioned for the faithful performance of the duties of his office; and the said collector shall, forthwith after every such rate and assessment made as aforesaid, give notice to the said freeholders and taxable inhabitants of the said borough, or in their absence, to some one of their family, of the respective sums they are rated, and acquaint them with the day and place of appeal, in case they shall think themselves aggrieved by such rate or assessment, which appeal shall be heard at some convenient place in the said borough, to be appointed by the said assessors, within two weeks after the said assessment is laid, and on the said day of appeal, the corporation in the presence of the said assessors, or a majority of them, shall hear all appeals, and thereupon diminish or add to such assessment, as to them shall seem just and reasonable, taking notice of such estates, if any,

as they may find omitted in the said assessments, in order to rectify the same.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That from and immediately after the said day of appeal, if any person, so rated and assessed, shall neglect, or upon demand made by the said collector, shall refuse to pay the sum to him or her charged, it shall and may be lawful for the said collector to levy the same on the goods and chattels of the person so refusing; and in case such person shall not, within three days after such distress made, pay the sum so on him or her assessed, with the charges of such distress, the said collector, having given six days previous notice thereof, by advertisements distributed and fixed up in at least four of the most public places in the said borough, shall expose the said goods at the court house in the said borough, and sell the same to the highest bidder, rendering to the owner the overplus, if any shall be, after deduction of reasonable charges, and the goods of any tenant or person residing upon any lands or tenements within the said borough, shall in like manner be liable to be distrained and sold, for the payment of such rate assessed thereon, in which case it shall be lawful for such tenant to deduct out of his rent, so much as he shall be compelled to pay on account of his landlord, or to recover the same by action, with costs of suit; provided that nothing herein contained shall extend to any agreement relative to the payment of taxes, made between any landlord and tenant.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said collector shall at least once in three weeks, render a just and true account of, and bring in and pay to the treasurer, all such moneys as he shall have received, and shall pay the whole and every of the sums of money assessed in his duplicate within two months next after the day of appeal, such deficiencies as the corporation shall allow being first deducted; but if any such collector, appointed as aforesaid, shall refuse or neglect to collect the said rates and assessments, or shall refuse or neglect to pay the moneys which he shall be charged to collect, within

the time hereinbefore limited, he shall forfeit and pay to the treasurer, for the uses in this act mentioned, the sum of five pounds, and also all the arrearages of the rates he was appointed to collect, to be levied by a warrant, under the seal of the corporation, signed by the burgesses, directed to the sheriff of the county of Lancaster, who is hereby authorized and empowered to execute such warrant upon the goods and chattels of such collector, or in case sufficient goods and chattels cannot be found, then to imprison such collector until payment be made; and the treasurer's receipt shall be a sufficient discharge to the said collector for all moneys paid to him in pursuance of this act.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the corporation shall appoint a treasurer in the said borough, who shall be nevertheless liable to be removed for misbehavior in his office, or neglect of duty, and in case of such removal, death or resignation of the treasurer, the said corporation, as often as occasion may require, shall appoint another in his place; he shall be allowed in full compensation for his services, at the rate of two pounds ten shillings per centum upon all moneys received by him in virtue of his office, and before he enters upon the execution of his office, he shall give a bond, and sufficient security to the said corporation and their successors, in the penalty of five hundred pounds, lawful money of Pennsylvania, conditioned to pay all such moneys as shall come into his hands by virtue of this act, according to the orders to be given to him from time to time in the manner hereinafter directed, and not otherwise; and for the due performance of his duty in the trust hereby committed to him, and that in case of his death, or removal from said office, or resignation, he, the said treasurer, his executors or administrators, shall and will, within one month after such death, removal or resignation, deliver over to the succeeding treasurer all books, accounts and papers belonging to the said office, whole, entire and undefaced, and also settle the accounts of his said office, and to pay to the said succeeding treasurer, within the time aforesaid, such bal-

ance or sums of money as may be due to the said corporation at the time of his death, removal or resignation aforesaid.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the said treasurer shall receive from the collector all moneys levied and raised by virtue of this act, and from time to time signify in writing to the said corporation, such sums of money as he may so receive, or, when the said collector is negligent, or refuses to do his duty in the premises, he shall likewise signify the same to the said corporation, by way of complaint, who shall proceed thereon as this act directs; he shall pay all accounts and demands certified to him by the said corporation to be due on account of the objects committed to their care, and he shall keep a distinct book, containing a particular account of the rates, and disbursements and payments, he shall make in pursuance of such certificates and orders of the said corporation, and he shall, once in six months, or oftener if occasion be, bring in his accounts and settle and make them up before the said corporation and any two persons whom they shall appoint; at the auditing of which accounts all or any of the freeholders and inhabitants that are willing may be present.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the corporation shall keep a regular book, and cause the town clerk of the borough to make fair and regular entries of all acts and proceedings done by them in pursuance of this act, as well of all contracts and agreements made and entered into, as of all certificates or orders for money drawn upon the treasurer, and of the particular sums so levied and collected as aforesaid, as shall be appropriated and apportioned to the different purposes of this act, which book shall be at all times open to the inspection of any two or more freeholders and taxable inhabitants in the said borough.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the said assessors, before they enter on the duties required of them by this act, shall be bound by oath or affirmation, well and truly to cause the rates and sums of money by this act imposed to be duly and

equally assessed and laid, to the best of their skill and knowledge, and therein will spare no person for favor or affection, nor grieve any for hatred or ill-will, and that they and each of them, the said assessors, will diligently attend and faithfully execute the said office, during the term of their continuance therein, according to the best of their abilities and judgment; and the wardens shall be bound, by oath or affirmation, well and truly to execute the office of warden for the ensuing year, or until they shall be legally discharged, to the best of their abilities and judgment, which qualification may be administered by any burgess in the said borough.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the said corporation shall have full power, and they are hereby required, to fix, support and maintain, from time to time, out of the moneys levied and collected by virtue of this act, such suitable number of pumps, in such convenient public places in the streets and public alleys in the said borough, and to erect and maintain dams and sluices, in such parts of the said borough as to them shall appear necessary, the said pumps to be fixed and disposed of in as regular order as the crossings and intersections of the several highways, streets or alleys will admit of, and in as beneficial a manner, for the general and equal use and interest of the whole borough, as can be; and the said corporation are hereby further empowered, when they shall think proper, to agree with the owner or owners for all or any of such pump or pumps as are already fixed in the streets or alleys within the said borough, which pump or pumps, after such agreement made with the owner or owners thereof, shall forever after become the property of and belong to the said corporation, to be maintained and kept in repair at the public charge; and the said corporation are further empowered, and are hereby enjoined, to inquire into the condition and take care of the repair of the several pumps within the streets or public alleys of the said borough, and if, after due inquiry, it shall appear to them, on the evidence of two or more witnesses, that any of the said pumps have been out of repair for the space

of three months next after notice thereof given by one of the burgesses to the owner or owners of the said pumps, then, and in such case, every such pump or pumps shall forever become and be the property of the corporation, to be maintained at the public charge; and if any person or persons shall and do, after publication of this act, wilfully and maliciously break or carry away the handles of any of the pumps within the said borough or otherwise injure or damage the same, every person so offending, and being thereof convicted in any court of quarter sessions in and for the county of Lancaster, shall forfeit and pay to the treasurer, for the uses of this act, the sum of five pounds, to be forthwith levied, by warrant directed to the high constable of the said borough, on the goods and chattels of such offender, or in case of a deficiency thereof, by imprisonment until payment be made, or the offender be otherwise discharged by the due course of law.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the said corporation shall have power, and are hereby directed, as soon as can be, to erect, put up, and fit such number of lamps, in such parts and places in the highways, streets and public alleys in the said borough, as to them shall seem meet and expedient, and to contract with any person or persons for the lighting, trimming, supplying, maintaining and preserving the same, and likewise to employ such number of watchmen, at such reasonable wages, and for such length of time, as shall be found expedient, and in case of misbehavior, inability or neglect to discharge them, and appoint others in their stead; and the said corporation shall have full power and authority to order and direct which warden shall watch or superintend the said watch each night, and to regulate and ascertain the hours and manner of keeping watch at each particular season of the year, and to ascertain and prescribe the stands and number of rounds of the said watchmen throughout all the highways, streets and public alleys, in the said borough; and the said wardens and watchmen, respectively, shall use their best endeavors to prevent fires, murders, burglaries, robberies and other outrages and disorders, within the said borough; and

to that end are hereby empowered and required to arrest and apprehend all suspicious persons, who shall be found wandering or misbehaving themselves, and shall take the person or persons so apprehended, as soon as conveniently may be, before the burgesses, or some justice of the peace of the county of Lancaster, to be examined and dealt with according to law; and the said wardens and watchmen shall observe, perform and execute all such matters and things, as by the rules, orders and regulations of the corporation, shall from time to time be made and enjoined them, touching all matters contained in this act; and in case of any fire breaking out, or other great necessity, shall immediately alarm each other, and the inhabitants in their respective bounds, which when done, they shall repair to their respective stands, the better to discover any other fire that may happen, as well as to prevent any burglaries, robberies, outrages and disorders, and to apprehend any suspicious person, who, in such times of confusion, may be feloniously carrying away the goods and effects of others.

[Section XIII.] Section XIII, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the warden of each ward, respectively, daily to examine all the lamps in his ward, and to take care that they shall be at all times in proper repair, and in case any injury shall be done to any of them, to give immediate notice thereof to the said corporation; and if any person or persons shall and do, after the publication of this act, wilfully or maliciously break, throw down, or extinguish any lamp, that is or shall be hung up or set up to light the streets and alleys in the said borough, or shall wilfully damage the post, iron or furniture thereof, or any sentry box, any person, so offending and being thereof convicted in any court of quarter sessions of the peace in the county of Lancaster, shall forfeit and pay the sum of five pounds for each lamp so broken, thrown down, extinguished or otherwise damaged, or for each post, iron or other furniture thereof, or sentry box, so damaged or broken, to be recovered and applied as directed in the eleventh section of this act, and if any person or persons shall accidentally and undesignedly break, thrown down, or extinguish any of such lamps, or in-

jure any such posts, iron or other furniture, or sentry box, and shall fail to give notice thereof to the warden of the proper ward, and pay the damage thereby incurred, within twenty-four hours from the time of doing such injury, every such person so neglecting shall forfeit double the sum of money necessary in the judgment of the corporation to repair the injury done.

[Section XIV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That if any minor, bound servant, apprentice, negro or mulatto slave be convicted of incurring any of the penalties or damages mentioned in this act, every such minor, bound servant, apprentice, negro or mulatto slave, shall be committed to prison for any space of time, not exceeding ten days, unless the parent, guardian, master or mistress of such offender or offenders will pay the damages or penalties aforesaid.

[Section XV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That all penalties incurred under this act, except where particular provision is made by this act for the recovery thereof, shall be recovered before one justice of the peace, in the same manner as debts under five pounds. Provided always, That no person or persons shall be sued or prosecuted for any offence against this act, unless he, she or they be sued or prosecuted within three months after such offence committed.

Passed April 4, 1792. Recorded L. B. No. 5, p. —. (Not recorded on original rolls.)

CHAPTER MDCXXIX.

AN ACT TO EMPOWER THE GOVERNOR TO DRAW A WARRANT ON THE TREASUR[ER] OF THIS COMMONWEALTH, IN FAVOR OF CHARLES WILSON PEALE, FOR THE PURPOSES MENTIONED.

Whereas Wilson Peale, of the city of Philadelphia, did, on or about the twenty-fifth day of August, in the year of our Lord one thousand seven hundred and seventy-nine, become the

purchaser of a certain estate in the district of Southwark, in the county of Philadelphia, the property of this commonwealth: And whereas at the time of said purchase, the said estate was legally chargeable with a ground rent of five pounds three shillings and sixpence per annum forever, and the said encumbrance was at the time of the sale to the said Charles Wilson Peale, unknown to the agents of the commonwealth and to the said Charles Wilson Peale: And whereas in pursuance of the act of the general assembly of this commonwealth for the sale of the said estate, a deed in fee simple hath been made and executed to the said Charles Wilson Peale, without reserving the said ground rent: And whereas the said Charles Wilson Peale hath paid the rent heretofore due on the said estate, and it is yet liable to the payment of the said rent, as the same may become due, and it being just and reasonable that the said Charles Wilson Peale be therefrom indemnified and saved harmless.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the governor of this commonwealth, and he is hereby authorized and required, to issue his warrant, in favor of the said Charles Wilson Peale, for the sum of one hundred and thirty-one pounds and two shillings, being the amount of the arrears of the said rent, from the twenty-fifth day of November, one thousand seven hundred and eighty, to which time the said rent was paid, to the twenty-fifth day of March, one thousand seven hundred and ninety-two, and of the value of the said rent charge, computed at the rate of fourteen years' purchase, which said sum shall be paid by the treasurer out of the fund appropriated for the payment of the expenses of government, and being paid to and accepted by the said Charles Wilson Peale, shall be deemed and taken as the full payment and satisfaction to the said Charles Wilson Peale, his heirs and assigns, for all damages by him or them sustained by means of the said rent charge, and all arrears due thereon.

Passed April 5, 1792. Recorded (not given in rolls).

CHAPTER MDCXXX.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT AUTHORIZING AND DIRECTING THE STATE TREASURER TO SUBSCRIBE, IN THE NAME OF THE COMMONWEALTH, TO THE LOAN PROPOSED BY THE UNITED STATES, AND FOR OTHER PURPOSES THEREIN MENTIONED.¹

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the state treasurer having subscribed to the loan proposed by the congress of the United States to the domestic creditors, certain evidences of the registered debt of the United States, the property of this commonwealth, but whereof regular assignments from the original holders were not procured, or have not been preserved, the faith of the commonwealth shall be, and it is hereby, pledged to indemnify the United States, on demand for any loss or losses they may sustain, by virtue of any claim or claims that may be made by the original holders of said evidences, or by their legal representatives.

Passed April 5, 1792. Recorded (not given in rolls).

CHAPTER MDCXXXI.

AN ACT FOR ESTABLISHING THE SEAL OF THE HIGH COURT OF ERRORS AND APPEALS.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That a seal shall be procured

¹ Passed March 30, 1791, Chapter 1542.

for the said court, by the register thereof, with the arms of the state engraven thereon, together with an inscription in the following words, viz., "Seal of the High Court of Errors and Appeals of Pennsylvania," which seal, after the receipt thereof by the said register, shall become the proper and only seal thereafter to be made use of in the said court, and that the expense of the said seal shall be paid out of the funds appropriated by law to discharge the expense of government, upon warrant to be drawn by the governor on the state treasurer.

Passed March 8, 1792. Recorded (not given in rolls).

CHAPTER MDCXXXII.

AN ACT TO UNITE THE FIFTH AND SIXTH ELECTION DISTRICTS IN THE COUNTY OF WASHINGTON.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the fifth and sixth election districts in the county of Washington shall, from and after the passing of this act, be united, established and erected into one election district, in the said county, called the fifth election district of the same; and that the freemen of the said fifth district hereby erected, shall hold their annual election at the house now occupied by George Burget, miller, and shall be entitled to like privileges, as are by law granted to other election districts, anything in the election laws of this commonwealth to the contrary notwithstanding.

Passed March 8, 1792. Recorded (not given in rolls).

CHAPTER MDCXXXIII.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT TO PROVIDE FOR THE SUPPORT OF THE GOVERNMENT OF THIS COMMONWEALTH."¹

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That nothing in the act, entitled "An act to provide for the support of the government of this commonwealth," passed the thirteenth day of April, one thousand seven hundred and ninety-one, shall be construed to deprive the attorney general of the fees heretofore fixed by law, for his services in his office, but he shall receive the legal fees to which he was entitled before the passing of the act, to which this is a supplement.

[Section II.] (Section II, P. L.) Be it further enacted by the authority aforesaid, That the several annual salaries mentioned in the act, to which this is a supplement, shall be paid quarterly, by warrants drawn by the governor on the treasurer of this state.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the prothonotaries of the courts of common pleas, and the clerks of the courts of general quarter sessions and orphans' courts, respectively, shall, as soon as conveniently may be after the passing of this act, pay unto the respective county treasurer, for the use of the counties, the full amount of all the fees, commonly called bench fees, which have been heretofore lawfully demanded and received, by reason of any process, suit or judgment, in the said courts respectively, instituted and pronounced, since the first day of September last, and the said prothonotaries and clerks, respectively, shall at least once in every year, pay unto the said treasurer, for the use aforesaid, the amount of the fees,

¹ Chapter 1574.

which shall, from time to time, hereafter be lawfully demanded and received under the denomination of bench fees aforesaid.

Passed April 4, 1792. Recorded (not given in rolls). See Act to which this is a supplement; passed April 13, 1791, Chapter 1574.

CHAPTER MDOXXXIV.

AN ACT ERECTING THE TOWNSHIP OF NEWTON, AND PART OF WEST PENNSBOROUGH, IN CUMBERLAND COUNTY, INTO A SEPARATE ELECTION DISTRICT.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the township of Newton, and that part of West Pennsborough which lies westward of a road, known by the name of Smith's road, beginning at a point in the said road in the division line of York and Cumberland counties, thence by the same road to Pine Grove furnace, and from thence a straight line to Samuel Weakley's, on the Walnut bottom, and leaving Smith's, Browster's and the aforesaid Samuel Weakley's in the district of Carlisle, and from thence by the said Walnut Bottom road to Smith's road; thence by Smith's road to the head of Mount-rock spring, and from thence by the same road to Atler's, late Wood's mill, from thence by the same road to McClure's gap, in the north mountain, and continuing to the line of Toboin township, shall, from and after the passing of this act, be struck off and separated from the first and fourth election districts in the said county of Cumberland, and be established and erected into a separate district, called the fifth election district, in said county of Cumberland; and that the freemen of the said fifth district, hereby erected, shall hold their annual elections at the school house in the town at Neufville, in Newton township aforesaid, and shall be

Passed April 4, 1792. Recorded (not given in rolls).

entitled to like privileges, as by the constitution and laws of this commonwealth are granted to the other districts of this commonwealth, anything in the election laws of this state to the contrary in anywise notwithstanding.

CHAPTER MDCXXXV.

A FURTHER SUPPLEMENT TO THE ACT, ENTITLED "AN ACT TO ESTABLISH THE JUDICIAL COURTS OF THIS COMMONWEALTH, IN CONFORMITY TO THE ALTERATIONS AND AMENDMENTS IN THE CONSTITUTION."¹

Whereas the times directed by the supplement to the act, to which this is a further supplement, for holding the several courts of common pleas and general quarter sessions of the peace in the fifth circuit, are in many respects, inconvenient: For remedy whereof:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the last day of May next, and in every year thereafter, the courts of common pleas, and the courts of general quarter sessions of the peace, within the fifth circuit, shall be held as follows, viz., the said courts for the county of Allegheny on the first Mondays in the months of March, June, September and December; the said courts, for the county of Westmoreland, on the second Mondays in the same months; the said courts for the county of Fayette, on the third Mondays in the same months; and the said courts for the county of Washington, on the fourth Mondays in the same months.

Passed April 4, 1792. Recorded (not given in rolls).

¹ Passed April 13, 1791, Chapter 1575.

CHAPTER MDCXXXVI.

AN ACT FOR THE RELIEF AND SUPPORT OF POOR CONFINED DEBTORS.

Whereas many persons confined for debt in the prison called the debtors' apartment, in the city of Philadelphia, are so poor as to be unable to procure food for their subsistence, or fuel or covering in the winter season, and it is inconsistent with humanity to suffer them to want the common necessities of life:

[Section I.] (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the inspectors appointed, and to be appointed, by the mayor and aldermen of the city of Philadelphia, and the justices of the county of Philadelphia, for the regulating and inspecting the common gaol of the said county, under an act of assembly of this commonwealth, passed the fifth day of April, in the year of our Lord, one thousand seven hundred and ninety, entitled "An act to reform the penal laws of this state,"¹ shall likewise be inspectors of the said debtors' apartment, and shall attend at the said debtors' apartment at least once in each week, and shall examine into and inspect into the management thereof, and the conduct of the keeper and his deputies, and shall make such orders and regulations, with regard to the well ordering and cleanliness of the said apartment, as shall be approved of by the mayor of the said city, and the president of the court of common pleas for the county of Philadelphia.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That it shall be part of the duty of the said inspectors, to examine into the condition of the several persons confined in the said debtors' apartment, with

¹ Chapter 1516.

regard to their want of the common necessities of life, and to provide fuel and blankets for such of them as are incapable of obtaining them by reason of his or her poverty; and the charges of such provision for the said debtors, respectively, to be paid by the county treasurer of Philadelphia county, out of the county stock, under orders of the commissioners of the said county, who are hereby directed to draw such orders, from time to time, on certificates from the said inspectors, allowed by the mayor of the said city of Philadelphia and president of the court of common pleas of Philadelphia county; and the said inspectors shall make an allowance of seven cents per day for food to each of such poor debtors, as is incapable of supporting him or herself, the said latter allowance to be paid weekly by the plaintiff or plaintiffs, at whose suit or suits such debtor is confined; and the neglect or refusal of payment of such allowance, by or on behalf of such plaintiff or plaintiffs, on every Monday, after ten days notice hath been given of such allowance by the inspectors to the said plaintiff or plaintiffs, or his, her or their attorney, or agent or agents, shall operate as a discharge from confinement of such poor debtor.

[Section III.] (Section III, P. L.) Be it further enacted by the authority aforesaid, That the said keeper of the debtors' apartment in the city of Philadelphia, shall have and receive the annual sum of five hundred dollars, in quarterly payments, in lieu of all fees from the county stock, for his care, trouble and services, and that of his assistant or assistants in the said office, on orders to be drawn from time to time, by the commissioners of Philadelphia county, on the treasurer of that county.

(Section IV, P. L.) And whereas it may be necessary that alterations be made in the debtors' apartment in order to render the same convenient:

[Section IV.] Be it further enacted by the authority aforesaid, That the commissioners of the county of Philadelphia are hereby authorized to make such alterations in the said debtors' apartment, as they shall judge necessary, provided the expense of the said alterations does not exceed the sum of

four hundred dollars, which expense shall be paid by orders to be drawn by the commissioners on the treasurer of the said county.

(Section V, P. L.) And whereas it may not be practicable at present to extend all the provisions that are herein made for the debtors' confined in the debtors' apartment in the city of Philadelphia, to all the gaols of the several counties in this commonwealth: Therefore, in order to prevent the want of the common necessities of life to such persons as are or may be confined for debt in the several gaols of the different counties:

[Section V.] Be it further enacted by the authority aforesaid, That the courts of common pleas in the several counties of this commonwealth be, and they are hereby, empowered and enjoined to make the like allowance and provision for fuel and blankets, for the use of such of the debtors confined in the gaols of their respective counties, as are incapable of obtaining them by reason of his or her poverty; the charges of such provision for the said debtors, respectively, to be paid by the treasurer of the county, out of the county stock, under orders of the commissioners of the said county, who are hereby directed to draw such orders, from time to time, on certificates of the said courts; and the said courts shall make an allowance, not exceeding seven cents per day, for food, to each of such poor debtors as is incapable of supporting him or herself, the said latter allowance to be paid weekly by the plaintiff or plaintiffs, at whose suit or suits such debtor is confined; and the neglect or refusal of payment of such allowance, by or on behalf of such plaintiff or plaintiffs, on every Monday, after notice given thereof by the said courts to the said plaintiff or plaintiffs, or his, her or their attorney or agent or agents, shall operate as a discharge from confinement of such poor debtor.

Passed April 4, 1792. Recorded (not given in rolls). See the original Act for the relief of insolvent debtors passed February 14, 1729-30, Chapter 315.

CHAPTER MDCXXXVII.

A SUPPLEMENT TO THE SEVERAL ACTS OF THE GENERAL ASSEMBLY
OF THIS COMMONWEALTH, FOR DISTRIBUTING THE DONATION
LANDS PROMISED TO THE TROOPS OF THIS STATE¹

Whereas it appears that sundry persons who were justly entitled to donation lands from this commonwealth, agreeably to resolve of the general assembly, passed at Philadelphia the seventh day of March, one thousand seven hundred and eighty, have not received the same; Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the officers of the land office be, and they are hereby directed, on the second day of July next, to draw lots for every person entitled to donation lands, who hath not received the same, agreeably to the list submitted by the comptroller general to the supreme executive council, in the same manner as if the persons thus entitled were present, and under the same regulations that were prescribed by the act for directing the mode of distributing the donation lands promised to the troops by this commonwealth; save only so far as the same relates to duties to be performed by certain members of the supreme executive council.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That upon the application of any person thus entitled to said lands, or his legal representative, to the surveyor general within the said term of two years from and after the passing of this act, patents shall thereupon issue in the usual form.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That whatever lands, so drawn, shall remain unapplied for after the term of two years, shall

¹See Act passed March 24, 1785, Chapter 1139, and notes.

be disposed of agreeably to the regulations of the act, entitled "An act for the sale of the vacant lands within this commonwealth."².

Passed April 6, 1792. Recorded (not given in rolls).

CHAPTER MDCXXXVIII.

AN ACT DIRECTING THE TIME, PLACES AND MANNER OF HOLDING ELECTIONS FOR REPRESENTATIVES OF THE PEOPLE OF THIS STATE IN THE CONGRESS OF THE UNITED STATES, AND FOR ELECTORS OF A PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES.

Whereas the constitution of the United States declares and directs, that the house of representatives in the congress of the United States shall be composed of members chosen every second year by the people of the several states, that the electors in each state shall have the requisite qualifications of electors of the most numerous branch of the state legislature, and that the times, places and manner, of holding elections for senators and representatives shall be prescribed in each state by the legislature thereof: And whereas it is further declared and directed, in and by the said constitution, that, for the purposes of choosing a president and vice-president of the United States, each state shall appoint in such manner as the legislature thereof may direct, a number of electors equal to the whole number of senators and representatives to which it may be entitled in congress:

[Section I.] (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the election of representatives of the people of this commonwealth to serve in the house of representatives of the United States for two years, to commence from the fourth day of March next, be held

² Passed April 3, 1792, Chapter 1624.

by the citizens of this state on the second Tuesday in October next; of which election due notice shall be given by the sheriffs of the respective counties, agreeably to the election laws of this state, at the places in the city of Philadelphia, and in the several counties of this state, prescribed by the election laws aforesaid, in like manner as in and by the said election laws is directed for the election of members of the general assembly of this state, at which election the same officers whose duty it shall be to attend at the election of members of assembly for this state, shall attend and perform the same duties, and be subject to the like penalties for non-performance of their several duties, as they are by the existing laws of this commonwealth, at the said elections for the members of the general assembly of this state.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That every person voting for representatives in congress, shall deliver, in writing on one ticket or piece of paper, the names of so many persons as this state is or may be entitled to as representatives in congress, duly qualified, according to the said constitution, to serve in that station, which tickets or ballots shall be received, and dealt with in like manner as those delivered in at the general elections for members of assembly of this state.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the election for electors of a president and vice-president of the United States shall be by the same persons, and in all things conducted in the same manner, by the same officers and under the same regulations, as the election for representatives in congress, except as to the number of names to be contained in the tickets or ballots of the persons voting at such election, which shall be equal to the whole number of senators and representatives in congress to which this state shall be entitled, and also with respect to the times of holding such election, which shall be on the first Tuesday in November next.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That after the polls in the several districts shall be closed, and the votes cast up in the manner

and form directed by the laws of this state, the names of the several persons voted for in the city of Philadelphia, and the several counties in this state, shall be written on parchment or paper, in words at length, and the tickets and other papers relating to the election shall be sealed up, and deposited in manner and form as directed by the election laws of this state, and duplicate returns thereof shall be made out, one of which shall be delivered to the prothonotary of the proper county, and the other to the sheriff thereof, to be transmitted by him, to be delivered, within twelve days after each respective election, to the governor of this commonwealth, who shall enumerate and ascertain the number of votes for each and every the persons so as aforesaid voted for as representatives and electors respectively, and shall thereupon declare, by proclamation, the names of the persons duly elected and chosen as aforesaid, and shall cause notification of their election to be delivered, on or before the last Wednesday in November next, to the persons so chosen as electors respectively, and shall transmit a return of the election of representatives, together with the documents whereon the same is founded, to the speaker of the house of representatives of the United States in Congress assembled, as soon as conveniently may be.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the electors so to be chosen as aforesaid, shall assemble on the first Wednesday of December next, at Harrisburg, and shall perform the duties enjoined on them by the said constitution and act of congress, and shall each of them receive three dollars, daily wages, when traveling to, remaining at and returning from the place aforesaid; the same to be paid by the treasurer of the state, or the treasurer of the counties in which such electors respectively reside, on warrant signed by the president of the meeting of the said electors, if any they shall choose, or by the majority of such electors, exclusive of the person in whose favor such warrants may or shall be respectively drawn, and all sums paid as aforesaid by the treasurer of any county within this state,

shall be allowed to him on behalf of said county in the settlement of his accounts with the state treasurer.

[Section VI] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the governor be, and he is hereby, authorized to draw a warrant or warrants on the state treasurer, to defray the necessary expenses which shall be incurred in transmitting the returns of elections of the electors aforesaid, that of the notification of their election to the electors so chosen, which shall be paid out of the funds appropriated to defray the expenses of government.

Passed April 7, 1792. Recorded (not given in rolls).

CHAPTER MDCXXXIX.

AN ACT TO PROVIDE FOR PRINTING, PUBLISHING AND DISTRIBUTING THE LAWS OF THIS COMMONWEALTH, AND TO DIRECT A PROPER INDEX TO BE MADE OF THE RECORDS OF THE EXECUTIVE DEPARTMENT.

Whereas it is the duty of those who are intrusted with the administration of the public affairs, to make an early and accurate communication of their proceedings to their constituents; and it is essential to the peace and prosperity of the community that a knowledge of the laws should be generally disseminated: In order, therefore, to facilitate the attainment of those important objects:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor may and shall, from time to time, appoint and employ a printer or printers, to print and publish not more than three thousand, nor fewer than two thousand five hundred copies of the acts and resolutions of the general assembly of this commonwealth, as soon as conveniently may be after the same shall be enacted and passed: And it shall be the duty of the secretary of the com-

monwealth to collate with and correct by the original rolls, the proof sheets of the printed copies of the said acts and resolutions respectively, and to affix thereunto proper marginal notes, stating the purport of each paragraph, or section, before the same shall be published.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That at the end of each and every session of the general assembly the secretary of the commonwealth shall cause the acts and resolutions passed therein to be collected and stitched together in one pamphlet, with a cover of blue boards, of which he shall deliver twenty-five copies into the keeping of the clerk of the senate, for the use of the members of the senate respectively, and eighty-six copies into the keeping of the clerk of the house of representatives, for the use of the members of the house of representatives respectively. And he shall distribute the residue in manner following, that is to say: to the prothonotary of the supreme court, six copies, one thereof for each of the judges, one for the attorney general, and one for himself; to the secretary of the land office, one copy; to the surveyor general, one copy; to the receiver general of the land office, one copy; to the comptroller general, one copy; to the register general, one copy; to the state treasurer, one copy; to the clerk of the mayor's court of the city of Philadelphia, one hundred and fifty copies; to the prothonotary of the county of Philadelphia, one hundred and fifty copies; to the prothonotary of the county of Bucks, one hundred and twenty copies; to the prothonotary of the county of Chester, one hundred and twenty copies; to the prothonotary of the county of Lancaster, one hundred and eighty copies; to the prothonotary of the county of Dauphin, ninety copies; to the prothonotary of the county of York, one hundred and eighty copies; to the prothonotary of the county of Cumberland, ninety copies; to the prothonotary of the county of Berks, one hundred and fifty copies; to the prothonotary of the county of Northampton, one hundred and twenty copies; to the prothonotary of the county of Bedford, eighty copies; to the prothonotary of the county of Northumberland, ninety copies; to the prothonotary of the county of West-

moreland, ninety copies; to the prothonotary of the county of Washington, one hundred and twenty copies; to the prothonotary of the county of Fayette, sixty copies; to the prothonotary of the county of Franklin, seventy copies; to the prothonotary of the county of Montgomery, one hundred and twenty copies; to the prothonotary of the county of Huntingdon, fifty copies; to the prothonotary of the county of Luzerne, forty copies; to the prothonotary of the county of Mifflin, sixty copies; to the prothonotary of the county of Allegheny, fifty copies; and to the prothonotary of the county of Delaware, ninety copies. And the said clerk of the mayor's court of the city of Philadelphia, and the prothonotaries of the several counties aforesaid, shall, upon the receipt of the said pamphlets, distribute the same within the jurisdiction of the courts to which they respectively belong, as follows: that is to say, the said clerk of the mayor's court shall deliver one copy thereof to the mayor, recorder, and to each of the aldermen of the said city of Philadelphia, and one hundred and thirty-five copies thereof to the clerk of the corporation of the said city of Philadelphia, for the use of the corporation, and of the citizens of the said city of Philadelphia; and the said prothonotaries shall deliver one copy thereof to each judge of the court of common pleas, register of wills, recorder of deeds, clerk of the quarter sessions, and to each justice of the peace, to the board of county commissioners, one copy, and to each of the said commissioners one copy, and one copy to the constable of each township, for the use thereof, to be lodged in the respective townships, at the usual place of meeting to choose township officers; and shall distribute the remaining copies among the inhabitants of the several townships within their respective counties aforesaid.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That as often as there shall be a number of laws enacted, sufficient to form a volume of a convenient size, it shall be the duty of the secretary of the commonwealth to cause a concise and complete index to be made of the contents of such laws, which index shall be printed and included in the pamphlets containing the acts of the last session that are to be comprised in the volumes respectively, and

the secretary of the commonwealth shall farther thereupon cause two hundred sets of the said laws and index to be neatly bound in volumes, and properly lettered, and deliver five sets thereof, so bound and lettered, to the clerk of the senate, for the use of the senate, and fifteen sets thereof to the clerk of the house of representatives, for the use of the said house of representatives, to the president of the high court of errors and appeals and to each judge thereof, not included in some other description in this act contained, one copy, and to the clerk of the said court one copy; to the prothonotary of the supreme court, six copies, one thereof for each of the judges, one for the attorney general and one for himself; and to the president and judges of the courts of common pleas of the several counties, each one copy; and to the clerks of the mayor's court and of the corporation of the city of Philadelphia, and to the prothonotaries of the several counties, for the use of the respective courts when sitting, each one copy; and to the secretary of state of the United States, one copy; to the attorney general of the United States, one copy; to the secretary of the senate of the United States, for the use of the said senate, one copy; to the clerk of the house of representatives of the United States, for the use of the said house, one copy; to the executives of each state in the union, for the use of their respective legislatures, one copy; three sets thereof to the Library Company of Philadelphia; and the remaining sets he shall retain in his own custody, subject to the orders of the legislature, or of the governor.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the secretary of this commonwealth shall prefix to each volume an attestation, under his hand, that he has collated the laws contained therein with the original rolls in the rolls office, and corrected the same thereby.

[Section V.] (Section V.) And be it further enacted by the authority aforesaid, That the governor be, and he is hereby empowered and directed to cause the public laws of Pennsylvania now in force, passed from the second day of October, one thousand seven hundred and eighty-one, to the first day

of October, one thousand seven hundred and ninety, to be published with a proper index thereto, and the titles of all the private laws, and laws which have expired by their own limitation, or have been repealed, together with the book and page wherein they are recorded in the rolls office, and to contract with any person or persons for that purpose, upon the most advantageous terms, reserving one thousand copies of the same for the use of the commonwealth, to be distributed as the legislature may hereafter direct.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the secretary of the commonwealth shall enter, or cause to be entered, in suitable books, which he shall procure for that purpose, such minutes of the proceedings of the executive department of this commonwealth as have not already been so entered, and shall thereupon forthwith make, or cause to be made, a sufficient index to the same, from the third day of July, one thousand seven hundred and seventy-five, to the third Tuesday of December, one thousand seven hundred and ninety, inclusive; for which purposes, and to enable him to procure the assistance of an additional clerk to effect the same, the governor is hereby authorized to draw a warrant in his favor on the state treasurer, for a reasonable compensation, not exceeding one thousand dollars.

[Section VII.] (Section VII.) And be it further enacted by the authority aforesaid, That the governor be, and he is hereby authorized, to employ a proper person of legal abilities to collate the laws denominated under the aforesaid description, who shall insert references from one act to another or the title of another upon the same subject, or altering or repealing each other.

[Section VIII.] (Section VIII, P. L.) Be it further enacted by the authority aforesaid, That the expenses necessarily incurred for carrying into effect the various provisions of this act, shall be paid out of the fund appropriated by law for the support of government, upon warrants drawn by the governor on

the treasurer of the commonwealth; and the treasurer is hereby authorized and required to pay the same accordingly.

Passed April 4, 1792. Recorded (not given in rolls). See Act of March 22, 1792, Chapter 1666, and March 23, 1797, Chapter 1935, ordering certain distributions.

CHAPTER MDCXL.

AN ACT TO ENABLE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY FOR MAKING AN ARTIFICIAL ROAD FROM THE CITY OF PHILADELPHIA TO THE BOROUGH OF LANCASTER.

Whereas the great quantity of heavy articles of the growth and produce of the country, and of foreign goods which are daily transported between the city of Philadelphia and the western counties of the state, requires an amendment of the highway which can only be effected by artificial beds of stone and gravel, disposed in such manner as to prevent the wheels of carriages from cutting into the soil, the expenses whereof will be great; and it is reasonable that those who will enjoy the benefits of such highway should pay a compensation therefor, and there is reason to believe that such highway will be undertaken by an association of citizens, if proper encouragement be given by the legislature.

[Section I.] (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Elliston Perot, Henry Drinker, Junior, Owen Jones, Junior, Israel Whelen, and Cadwallader Evans, of the city of Philadelphia, gentlemen, and Edward Hand, John Hubley, Paul Zantzinger, Matthias Slough, and Abraham Witmer, of the county of Lancaster, gentlemen, be, and they are hereby, appointed commissioners, to do and perform the several duties hereinafter mentioned;

that is to say, they shall, on or before the first day of May next, procure two books, and in each of them enter as follows: "We, whose names are hereto subscribed, do promise to pay to the president, managers and company of the Philadelphia and Lancaster turnpike road company, the sum of three hundred dollars, for every share of stock in the said company set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the said president and managers in pursuance of an act of the general assembly of this commonwealth, entitled 'An act to enable the governor of this commonwealth to incorporate a company, for making an artificial road from the city of Philadelphia to the borough of Lancaster.' Witness our hands the day of in the year of our Lord, one thousand seven hundred and ninety-two," and shall thereupon give notice in three of the public papers in the city of Philadelphia, one whereof shall be in the German language and in the public paper printed in Lancaster, for one calendar month at least, of the times and places in the said city and borough respectively, when and where the said books shall be open to receive subscriptions of stock for the said company, at which respective times and places some three of the said commissioners shall attend, and shall permit and suffer all persons who shall offer to subscribe in the said books, which shall be kept open for the purpose at least six hours in every juridical day for the space of three days, if three days shall be necessary; and on the first of the said days, any person, of the age of twenty-one years, shall be at liberty to subscribe in his own name, or in the name or names of any other person or persons, by whom he shall be authorized, for one share, on the second day, for one or two shares, on the third day, for one, two or three shares, and on any succeeding day, while the said books shall remain open, for any number of shares in the said stock; and if at the expiration of the said three first days, the said book opened at Philadelphia shall not have six hundred shares therein subscribed, and the said book open at Lancaster, shall not have four hundred shares therein subscribed, the said commissioners, respectively, may adjourn from time to time, until the said number of shares

shall be subscribed, of which adjournments public notice shall be given in at least one public paper in each place; and when the said subscriptions in the said books shall amount to the respective numbers aforesaid, the same shall respectively be closed; and if on that day, and before the said subscriptions shall be declared to be full, application shall be made to subscribe more shares than will fill the said books, or either of them, to the numbers aforesaid respectively, then the said commissioners respectively shall apportion the whole number of shares unsubscribed, at each respective place, on the morning of that day, among all those who shall have subscribed, or offered to subscribe, as aforesaid, on that day, by deducting from the subscribers of more shares than one, such proportion of the shares by them respectively subscribed, as will, with the least fraction, and leaving every person one or more shares, come nearest to the exact numbers of shares aforesaid. Provided always, That every person offering to subscribe in the said books in his own name, or any other name, shall previously pay to the attending commissioners thirty dollars for every share to be subscribed, out of which shall be defrayed the expenses attending the taking such subscriptions, and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized and the officers chosen, as hereinafter mentioned.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That when one hundred persons or more shall have subscribed five hundred or more shares of the said stock, the said commissioners respectively may, or when the whole number of shares aforesaid shall be subscribed, they shall certify, under their hands and seals, the names of the subscribers, and the number of shares subscribed by, or apportioned to, each subscriber, to the governor of this commonwealth and thereupon it shall and may be lawful for the governor, by letters patent, under his hand and the seal of the state, to create and erect the subscribers, and if the said subscriptions be not full at the time, then also those who shall after subscribe to the numbers aforesaid into one body politic and corporate, in deed and in law, by the name, style and title of "The President,

Managers, and Company of the Philadelphia and Lancaster Turnpike Road;" and by said name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same, from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfill the intent of this act, and of purchasing, taking and holding to them, and their successors and assigns, in fee simple, or for any lesser estate, all such lands, tenements, hereditaments and lesser estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the seven persons first named in the said letters patent shall, as soon as conveniently may be after sealing the same, give notice in three of the public papers in Philadelphia, and in that printed at Lancaster, one whereof at Philadelphia shall be in the German language, of a time and place by them to be appointed, not less than twenty days from the time of issuing the first notice; at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose, by a majority of votes of the said subscribers, by ballots, to be delivered in person or by proxy, duly authorized, one president, twelve managers, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company, for one year and until other such officers shall be chosen; and shall or may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this commonwealth, as shall be necessary for the well ordering the affairs of the said company. Provided always, That no person shall have more than ten votes at any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled unto, and that each person shall be entitled to one vote for every share by him held under the said number.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said company shall meet on the second Monday of January in every year, at such place as shall be fixed by their by-laws, for the purpose of choosing other such officers, as aforesaid, for the ensuing year, in manner aforesaid, and at such other times as they shall be summoned by the managers, in such manner and form as shall be prescribed by their by-laws, at which annual or special meetings they shall have full power and authority to make, alter or repeal, by majority of votes, in manner aforesaid, all such by-laws, rules, orders and regulations as aforesaid, and to do and perform any other corporate act.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the president and managers first to be chosen as aforesaid, shall procure certificates to be written or printed, for all the shares of the stock of the said company, and shall deliver one such certificate, signed by the president, and countersigned by the treasurer, and sealed with the common seal of the corporation, to each person, for every share by him subscribed and held, he paying to the treasurer, in part of the sum due thereupon, the sum of forty-five dollars for each share, which certificate shall be transferrable at his pleasure, in person or by attorney, in the presence of the president or treasurer, subject, however, to all payments due and to grow due thereon; and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for the purpose, shall be a member of the corporation, and for every certificate by him held, shall be entitled to one share of the capital stock, and of all the estate and emoluments of the company, and to vote as aforesaid at the meetings thereof.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall meet at such times and places, and be convened in such manner, as shall be agreed on for transacting their business, at which meetings five members shall form a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions fairly entered

in a book; and a quorum being met, they shall have full power and authority to agree with and appoint all such surveyors, engineers, superintendents and other artists and officers, as they shall judge necessary to carry on the intended works, and to fix their salaries or other wages, to ascertain the times, manner and proportions, when, and in which, the stockholders shall pay the moneys due on their respective shares, in order to carry on the work, to draw orders on the treasurer for all moneys necessary to pay the salaries of persons by them employed, and for the labor and materials done and provided, which orders shall be signed by the president, or in his absence, by a majority of a quorum, and countersigned by their clerk; and generally to do and transact all such other acts, matters and things, as by the by-laws, rules, orders and regulations of the company shall be committed to them.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if any stockholder, after thirty days' notice in three of the public papers printed in the city of Philadelphia, as aforesaid, of the time and place appointed for the payment of any proportion or dividend of the said capital stock, in order to carry on the work, shall neglect to pay such proportion at the place appointed, for the space of sixty days after the time so appointed, every such stockholder, or his assignee, shall, in addition to the dividend so called for, pay after the rate of five per centum per month for every delay of such payment; and if the same and the said additional penalty shall remain unpaid for such space of time, as that the accumulated penalties shall become equal to the sums before paid in part and on account of such share, the same shall be forfeited to the said company, and may and shall be sold by them to any other person or persons willing to purchase, for such price as can be obtained therefor.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said president and managers, their superintendents, surveyors, engineers, artists and chainbearers, to enter into and upon all and every the lands, tenements and enclosures, in, through and over which the said intended turn-

pike road may be thought proper to pass, and to examine the ground most proper for the purpose, and the quarries and beds of stone, gravel and other materials in the vicinity, that will be necessary in making and constructing the said road, and to survey, lay down, ascertain, mark and fix such route or track for the same, as in the best of their judgement and skill, will combine shortness of distance with the most practicable ground, from the west side of Schuylkill river, opposite to the city of Philadelphia, so as to pass near to or over the bridge on Brandywine creek, near Downingstown, from thence to Witmer's bridge, on Connestogoe creek, and from thence to the east end of King street, where the buildings cease, in the borough of Lancaster.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said president and managers, by and with their superintendents, engineers, artists, workmen and laborers, with their tools and instruments, carts, wagons, wains and other carriages, and beasts of draught or burden, to enter upon the lands, in, over, contiguous, and near to which the route and track of the said intended road shall pass, first giving notice of their intention to the owners thereof, or their representatives, and doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damages that may be done to any improvements thereon, by appraisement to be made in the manner hereinafter directed, and upon a reasonable agreement, if they can agree, or if they cannot agree, then upon an appraisement to be made, upon oath or affirmation, by three indifferent freeholders, or any two of them agreeing, to be mutually chosen, or if the owners, upon due notice, shall neglect or refuse to join in the choice, then to be appointed by any justice of the peace of the county not interested on either side, and tender of the appraised value to dig, take and carry away, any stone, gravel, sand or earth, there being most conveniently situated, for making or repairing the said road.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the said president, managers

and company shall have power to erect permanent bridges over all the waters crossing the said route or track, betwixt the river Schuylkill and Connestogoe, wherever the same shall be found necessary, and shall cause a road to be laid out, fifty feet wide, twenty-one feet whereof in breadth, at least, shall be made an artificial road, which shall be bedded with wood, stone, gravel, or any other hard substance, well compacted together, a sufficient depth to secure a solid foundation to the same, and the said road shall be faced with gravel or stone pounded, or other small hard substance, in such manner as to secure a firm and, as near as the materials will admit, an even surface, rising towards the middle by a gradual arch, and so nearly level in its progress, as that it shall in no place rise or fall more than will form an angle of four degrees with an horizontal line, and shall forever hereafter maintain and keep the same in good and perfect order and repair, from the city of Philadelphia to Witmer's bridge, and thence to the borough of Lancaster.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That so soon as the said president, managers and company shall have perfected the said road, for any distance from the city of Philadelphia, not less than ten miles, towards the said borough, and so from time to time, any other like distance progressively, they shall give notice thereof to the governor of the commonwealth, who shall thereupon forthwith nominate and appoint three skillful and judicious persons to view and examine the same, and report to him in writing whether the said road is so far executed in a masterly workmanlike manner, according to the true intent and meaning of this act; and if their report shall be in the affirmative, then the governor shall, by license under his hand and the lesser seal of the commonwealth, permit and suffer the said president, managers and company to erect and fix such and so many gates or turnpikes upon and across the said road, as will be necessary and sufficient to collect the tolls and duties hereinafter granted to the said company, from all persons traveling in the same with horses, cattle, carts and carriages.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the said company having perfected the said road, or such part thereof, from time to time, as aforesaid, and the same being examined, approved and licensed in manner aforesaid, it shall and may be lawful for them to appoint such and so many toll-gatherers as they shall think proper, to collect and receive, of and from all and every person and persons using the said road, the tolls and rates hereinafter mentioned, and to stop any person riding, leading or driving any horses, cattle, hogs, sheep, sulky, chair, chaise, phaeton, cart, wagon, wain, sleigh, sled, or other carriage of burden or pleasure, from passing through the said gates or turnpikes, until they shall respectively have paid the same; that is to say, for every space of ten miles in length of the said road, the following sums of money, and so on in proportion for any greater or lesser distance, or for any greater or lesser number of sheep, hogs, or cattle, viz.: for every score of sheep, one-eighth of a dollar; for every score of hogs, one-eighth of a dollar; for every score of cattle, one-quarter of a dollar; for every horse and his rider, or lead horse, one-sixteenth of a dollar; for every sulkey, chair, or chaise, with one horse and two wheels, one-eighth of a dollar; for every chariot, coach, stage wagon, phaeton, or chaise, with two horses and four wheels, one-quarter of a dollar; for either of the carriages last mentioned, with four horses, three-eighths of a dollar; for every other carriage of pleasure, under whatever name it may go, the like sums, according to the number of wheels and horses drawing the same; for every cart or wagon whose wheels do not exceed the breadth of four inches, one-eighth of a dollar, for each horse drawing the same; for every cart or wagon, whose wheels shall exceed in breadth four inches, and not exceed seven inches, one-sixteenth of a dollar for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than seven inches and not more than ten inches, or, being of the breadth of seven inches, shall roll more than ten inches, five cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than ten inches, and not exceed twelve inches,

or, being ten inches, shall roll more than fifteen inches, three cents for every horse drawing the same; for every cart or wagon, the breadth of whose wheels shall be more than twelve inches, two cents for every horse drawing the same.

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That no wagon or other carriage with four wheels, the breadth of whose wheels shall not be four inches, shall be drawn along the said road between the first day of December and the first day of May following, in any year or years, with a greater weight thereon, than two and a half tons, or with more than three tons during the rest of the year; that no such carriage, the breadth of whose wheels shall not be seven inches, or, being six inches, or more, shall not roll at least ten inches, shall be drawn along the said road between the said first day of December and May, with more than three and a half tons, or with more than four tons during the rest of the year; that no such carriage, the breadth of whose wheels shall not be ten inches or more, or, being less, shall not roll at least twelve inches, shall be drawn along the said road between the said first days of December and May, with more than five tons, or with more than five and a half tons during the rest of the year; that no cart or other carriage with two wheels, the breadth of whose wheels shall not be four inches, shall be drawn along the said road with a greater weight thereon than one and a quarter tons, between the said first day of December and May, or with more than one and a half tons during the rest of the year; and that no such carriage, whose wheels shall not be of the breadth of seven inches, shall be drawn along the said road with more than two and a half tons between the said first days of December and May, or with more than three tons during the rest of the year; that no such carriage, whose wheels shall not be the the year; that no such carriage whose wheels shall not be the breadth of ten inches, shall be drawn along the said road, between the said first days of December and May, with more than three and a half tons, or with more than four tons during the rest of the year; that no greater weight than seven tons shall be drawn along the said road in any carriage whatever, be-

tween the said first days of December and May, nor more than eight tons during the rest of the year; that no cart, wagon or carriage of burden whatsoever, whose wheels shall not be of the breadth of nine inches at least, shall be drawn or pass in or over the said road, or any part thereof, with more than six horses, nor shall more than eight horses be attached to any carriage whatsoever, used on the said road, and if any wagon or other carriage shall be drawn along the said road by a greater number of horses, or with a greater weight, than is hereby permitted, one of the horses attached thereto shall be forfeited to the use of the said company, to be seized and taken by any of their officers or servants, who shall be at liberty to choose which of the said horses they may think proper, excepting the shaft or wheel horse or horses. Provided always, That it shall and may be lawful for the said company, by their by-laws, to alter any or all the regulations herein contained, respecting the burdens on carriages to be drawn over the said road, and to substitute other regulations, if, upon experience, such alterations shall be found conducive to the public good.

[Section XIV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That all such carriages as aforesaid, to be drawn by oxen in the whole, or partly horses and partly by oxen, two oxen shall be estimated as equal to one horse in charging all the aforesaid tolls, and every mule as equal to one horse.

[Section XV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That if the said company shall neglect to keep the said road in good and perfect order and repair for the space of five days, and information thereof shall be given to any justice of the peace of the neighborhood, such justice shall issue a precept to be directed to any constable, commanding him to summon three judicious freeholders to meet at a certain time, in the said precept to be mentioned, at the place in the said road which shall be complained of, of which meeting notice shall be given to the keeper of the gate or turnpike nearest thereto, and the said justice shall at such time and place, by the oaths or affirmations of the said

freeholders, inquire whether the said road, or any part thereof, is in such good and perfect order and repair as aforesaid, and shall cause an inquisition to be made under the hands of himself and of a majority of the said freeholders; and if the said road shall be found by the said inquisition to be out of order and repair, according to the true intent and meaning of this act, he shall certify, and send one copy of the said inquisition to each of the keepers of the turnpikes or gates, between which such defective place shall be, and from thenceforth the tolls hereby granted to be collected at such turnpikes or gates, for passing the interval of road between them, shall cease to be demanded, paid or collected, until the said defective part or parts of the said road shall be put into good and perfect order and repair as aforesaid; and if the same shall not be so put into good and perfect order and repair, before the next ensuing court of quarter sessions of the county wherein the same shall be, the said justice shall certify and send a copy of the said inquisition to the justices of the said court, and the said court shall thereupon cause process to issue, and bring in the bodies of the person or persons intrusted by the company with the care and superintendence of such part of the said roads as shall be so found defective, and shall proceed upon such inquisition, in the same manner and form as upon indictments found by the grand inquest for the body of the county, against the supervisors of the highways, for neglect of their duty, and if the person or persons intrusted by the said company as aforesaid, shall be convicted of the offence by the said inquisition charged, the said court shall give such judgment, according to the nature and aggravation of the neglect, as according to right and justice, would be proper in the case of supervisors of the highways neglecting their duty; and fines and penalties so to be imposed shall be recovered in the same manner, as fines for misdemeanors are usually recovered in the said courts, and shall be paid to the supervisors of the highways of the place wherein the offence was committed, to be applied to repairing such highways as the township or county is bound to maintain and repair, at the public expense thereof.

[Section XVI.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That the president and managers of the said company shall keep fair and just accounts of all moneys to be received by them from the said commissioners, and from the subscribers to the said undertaking, on account of their several subscriptions, and of all penalties for delay in the payment thereof, and of the amount of the profits on the shares which may be forfeited as aforesaid, and also of all moneys by them to be expended in the prosecution of their said work, and shall, once at least in every year, submit such accounts to a general meeting of the stockholders, until the said road shall be completed, and until all the costs, charges and expenses of effecting the same shall be fully paid and discharged, and the aggregate amount of such expenses shall be liquidated and ascertained; and if upon such liquidation, or whenever the whole capital stock of the said company shall be nearly expended, it shall be found, that the said capital stock will not be sufficient to complete the said road, according to the true intent and meaning of this act, it shall and may be lawful for the said president, managers and company, at a stated or special meeting, to be convened according to the provisions of this act or their own by-laws, to increase the number of shares to such extent, as shall be deemed sufficient to accomplish the work, and to demand and receive the moneys subscribed for such shares, in like manner and under the like penalties, as are hereinbefore provided for the original subscriptions, or as shall be provided by their by-laws.

[Section XVII.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That the said president, managers and company, shall also keep a just and true account of all and every the moneys to be received by their several and respective collectors of tolls, at the several gates or turnpikes on the said road, from beginning to end; and shall make and declare a dividend of the clear profits and income thereof, all contingent costs and charges being first deducted, among all the subscribers to the said company's stock, and shall, on every the second Monday in January and July, in every year, publish the half yearly dividend to be made of the said clear profits

among the stockholders, and of the time and place, when and where the same will be paid, and shall cause the same to be paid accordingly.

[Section XVIII.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall, at the end of every third year from the date of the incorporation, until two years next after the whole road shall be completed, lay before the general assembly of this commonwealth an abstract of their accounts, showing the whole amount of their capital expended in prosecution of the said work, and of the income and profits arising from the said toll, for and during the said respective periods, together with an exact account of the costs and charges of keeping the said road in repair, and all other contingent costs and charges, to the end that the clear annual income and profits thereof may be ascertained and known; and if, at the end of two years after the said road shall be completed, from the beginning to the end thereof, it shall appear, from the average profits of the said two years, that the said clear income and profits thereof will not bear a dividend of six per centum per annum on the whole capital stock of the said company so expended, then it shall and may be lawful to and for the said president, managers and company, to increase the tolls herein above allowed, so much upon each and every allowance thereof, as will raise the dividends up to six per centum per annum, and at the end of every ten years after the said road shall be completed, they shall render to the general assembly a like abstract of their accounts for three preceding years; and if, at the end of any such decennial period, it shall appear, from such abstract, that the clear profits and income of the said company will bear a dividend of more than fifteen per centum per annum, then the said toll shall be so reduced, as will reduce the said dividend down to fifteen per centum per annum.

[Section XIX.] (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That the said company shall cause posts to be erected, at the intersection of every road falling into and leading out of the said turnpike road, with boards, and an index hand, pointing to the direction of

such road, on both sides whereof shall be inscribed in legible characters, the name of the town, village or place to which [such] road leads, and the distance thereof in computed miles.

[Section XX.] (Section XX, P. L.) And be it further enacted by the authority aforesaid, That the said company shall cause mile-stones to be placed on the side of the said road, beginning at the distance of one mile from the east side of Schuylkill, and extending thence to the borough of Lancaster, whereon shall be marked in plain legible characters, the respective number of miles which each stone is distant from the west bounds of the city of Philadelphia, and at every gate or turnpike by them to be fixed on the said road, shall cause the distance from Philadelphia, and the distances from the nearest gates or turnpikes, in each direction, to be marked in legible characters, designating the number of miles and fractions of a mile, on the said gate or some other conspicuous place, and also to cause to be affixed at such places a printed list of the rates of toll, which from time to time may lawfully be demanded, for the information of travelers and others using the said road.

[Section XXI.] (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That all wagoners and drivers of carriages of all kinds, whether of burden or pleasure, using the said road, shall, except when passing by a carriage of slower draft, keep their horses and carriages on the right hand side of the said road in the passing direction, leaving the other side of the road free and clear for other carriages to pass and repass; and if any driver shall offend against this provision he shall forfeit and pay the sum of two dollars to any person who shall be obstructed in his passage, and will sue for the same, to be recovered with costs, before any justice, in the same manner as debts under ten pounds are by law recoverable.

[Section XXII.] (Section XXII, P. L.) And be it further enacted by the authority aforesaid, That if the said company shall not proceed to carry on the said work within two years after the passing of this act, or shall not, within seven years afterwards, complete the said road, according to the true intent

and meaning of this act, then, in either of those cases, it shall and may be lawful for the legislature of the commonwealth to resume all and singular the rights, liberties, privileges and franchises hereby granted to the company.

Passed April 9, 1792. Recorded L. B. No. 4, p. 493. See Act of April 17, 1795, Chapter 1853; (1) as to widening road in certain cases; (2) imposing penalties for evasion of tolls. See Act of April 4, 1798, Chapter 2003.

CHAPTER MDCXLI.

AN ACT TO ALTER THE PLACE OF HOLDING THE ANNUAL ELECTION IN THE SECOND DISTRICT WITHIN THE COUNTY OF BEDFORD.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the freemen of the second election district in the county of Bedford shall hold their annual election at the house now occupied by Michael Stall, in Belfast township, in the county aforesaid, any law to the contrary notwithstanding.

Passed April 10, 1792. Recorded L. B. No. 4, p. 506.

CHAPTER MDCXLII.

AN ACT TO PROVIDE PAYMENT OF CERTAIN INCIDENTAL EXPENSES OF THE LATE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, AND OF THE LATE COMMITTEE OF SAFETY.

Whereas certain demands, arising from transacting the business of the late general assembly and of the late committee of safety, remain unpaid.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Penn-

sylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor of this commonwealth be, and he is hereby empowered to draw warrants on the state treasurer in favor of the persons following, for the several sums of money annexed to their respective names, viz.: To John Fenno, for newspapers furnished to the clerk of the late house of representatives, and to several members of the said house and of the senate, the sum of two pounds ten shillings to Hall and Sellers, for printing the journals of the late house of representatives, the sum of twenty-four pounds eleven shillings and sixpence; to Michael Billmeyer, for printing the journals of the same in the German language, the sum of one hundred and sixty-one pounds ten shillings; to Daniel Eddy, the sum of thirty-two pounds fifteen shillings; to James Burnside, the sum of fourteen pounds and ten shillings, for transcribing laws; to Thomas Lloyd, for six sets of the congressional register, seventeen pounds ten shillings; to Peter Zachary Lloyd, clerk of the late house of representatives, for a balance due to him on account of incidental expenses of the said house, discharged by him, the sum of two hundred and two pounds three shillings and four pence; which warrants shall be paid by the said treasurer out of the funds appropriated to defray the expenses of government, and shall be available to him, in the settlement of his accounts, for the sum or sums therein expressed.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the governor be, and he is hereby, empowered to draw a warrant on the state treasurer, in favor of John Montgomery, for a sum of fourteen pounds, for his attendance in the late committee of safety, between the twenty-first day of September, one thousand seven hundred and seventy-five, and the first day of July, one thousand seven hundred and seventy-six, which sum shall also be paid by the said treasurer, out of the funds appropriated to defray the expenses of government.

Passed April 10, 1792. Recorded L. B. No. 4, p. 506, etc.

CHAPTER MDCXLIII.

AN ACT FOR THE RELIEF OF JANE COLLINS.

Whereas it has been represented to the legislature, that prior to the twenty-third of April, one thousand seven hundred and eighty-eight, Jane Collins, widow, lost a certain certificate of the funded debt of this state, numbered five thousand four hundred and ninety, and issued in favor of Ralph Collins, the late husband of the said Jane Collins, for the sum of seventy-eight pounds thirteen shillings and sixpence, being a balance due to the said Ralph Collins: And whereas the comptroller general of the commonwealth, has duly certified that no more than the amount of three years' interest has been paid on the said certificate, and that the same does not appear to have been entered with the state treasurer, or paid into the land office. For the relief, thereof, of the said Jane Collins:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That upon sufficient security being given to the governor by the said Jane Collins, or her legal representative, to indemnify the commonwealth against a certain certificate of the funded debt of this state, numbered five thousand four hundred and ninety, issued in favor of Ralph Collins, the late husband of the said Jane Collins, for the sum of seventy-eight pounds thirteen shillings and six pence, and on the same being duly certified by the secretary of the commonwealth to the comptroller general, the said comptroller general shall, and he is hereby, authorized and directed to certify, in favor of the said Jane Collins, or her legal representative, to the state treasurer, the interest that has accrued, and will annually accrue on the said sum of seventy-eight pounds thirteen shillings and sixpence, which said certificate of the comptroller general, so made of the in-

terest as aforesaid, shall be sufficient authority for the state treasurer, for the time being, to pay the same respectively to the said Jane Collins, or her legal representatives; and the said treasurer is hereby enjoined and required to pay the same accordingly.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said interest money, so as aforesaid to be paid to the said Jane Collins, or her legal representatives, shall as often as it shall be so paid, be deemed and taken, and it is hereby declared to be, to the same uses as she held the said certificate immediately before the loss thereof; and the said Jane Collins and her legal representatives, who may receive such interest money, shall be accountable to the person or persons, respectively, who had any legal or equitable interest in the said certificate, for his or their proportionable part of such interest money.

Passed April 10, 1792. Recorded L. B. No. 4, p. 507, etc.

CHAPTER MDCXLIV.

AN ACT FOR EXTENDING THE TIME LIMITED BY AN ACT, ENTITLED "A SUPPLEMENT TO THE ACT, ENTITLED 'AN ACT FOR DIRECTING THE MODE OF DISTRIBUTING THE DONATION LANDS, PROMISED TO THE TROOPS OF THIS COMMONWEALTH;'" FOR RECEIVING APPLICATIONS FOR LANDS IN LIEU OF THOSE WHICH WERE SURVEYED AND LAID OUT FOR THE OFFICERS AND SOLDIERS OF THE PENNSYLVANIA LINE, IN THE STATE OF NEW YORK.

Whereas it is represented to the general assembly that a number of those persons who were entitled to the benefit of the act, entitled "A supplement to the act, entitled 'An act for directing the mode of distributing the donation lands, promised to the troops of this commonwealth,'"¹ passed the thirtieth day of September, one thousand seven hundred and ninety-one, did not apply on the first day of December last, as directed by said act; and it is expedient to give further time to said persons.

¹Chapter 1592.

[Section I.] (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That all persons who were entitled to the benefit of the act, entitled "A supplement to the act, entitled 'An act for directing the mode of distributing the donation lands promised to the troops of this commonwealth,'" passed the thirtieth day of September, one thousand seven hundred and ninety-one, and did not apply before the first day of December last, according to the provisions of said act, shall, by applying before the first day of July next, be entitled to all the advantages and benefits of said act, under the restrictions and regulations provided by the same, as fully as if they had applied within the time limited by said act.

[Section II.] (Section II, P. L.) Be it further enacted by the authority aforesaid, That the governor shall cause the report of the surveyor general, mentioned in the aforesaid act, to be reprinted in two of the newspapers published in the city of Philadelphia, in one of the newspapers printed in the borough of Lancaster, the borough of York and Chambersburg, respectively, in the Harrisburg Monitor, in the Carlisle Gazette, and in the Pittsburg Gazette, as often as he may think necessary, giving at the same time, notice to all persons concerned, to make application before the first day of July next, as aforesaid.

Passed April 10, 1792. Recorded L. B. No. 4, p. 509, etc.

CHAPTER MDCXLV.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT TO PROVIDE FOR THE OPENING AND IMPROVING SUNDRY NAVIGABLE WATERS AND ROADS WITHIN THIS COMMONWEALTH."

Whereas it appears to the general assembly, that it is proper to change and enlarge some of the appropriations made by the act, entitled "An act to provide for the opening and im-

proving sundry navigable waters and roads within this commonwealth,"¹ passed the thirteenth day of April, one thousand seven hundred and ninety-one, and the better to define some others, and to make, for the present year, sundry other appropriations for the improvement of roads, out of the sum of five thousand pounds, allowed yearly, to be applied for that purpose:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor be, and he is hereby empowered and required to appoint three commissioners, to view the ground between the mouth of Juniata river and David Miller's, on Juniata, and to lay out a road between those two places, on the best and most eligible ground; and the three hundred pounds which were by the act, entitled "An act to provide for the opening and improving sundry navigable waters and roads within this commonwealth,"² appropriated for the purpose of improving and opening a road between the said two places, so as to go through Dick's gap, shall be applied towards improving and opening a road thus laid out by the commissioners appointed by virtue of this section, although the said road should not be laid out through Dick's gap.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That so much of the above mentioned act, as appropriates a sum of three hundred and sixty pounds for a road from Poplar run to Conemaugh, a sum of one hundred and eighty pounds from the forks of little Conemaugh to the mouth of Stoney creek, and a sum of three hundred pounds for a road from Frankstown to Pittsburg, be, and the same is hereby, repealed, and the eight hundred and forty pounds which were thus appropriated shall be applied as followeth, that is to say, five hundred and thirty pounds shall be applied towards improving and opening a road from Frankstown, on the river Juniata, to Conemaugh, at or near the mouth of Stoney creek, and the remaining three hundred

(1) Chapter 1569.

(2) See Ante.

ing a road from Conemaugh, at or near the mouth of Stoney creek, to the northwest side of the Chestnut ridge, at or near Thomas Trimble's.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That a sum of twelve hundred pounds shall be applied towards improving the navigation of Monongahela river, from the mouth thereof to the Virginia line, and a further sum of twelve hundred pounds shall be applied towards improving the navigation of Youghiogeny river, from the mouth thereof to the mouth of Saltlick creek, and a further sum of six hundred pounds shall be applied towards improving the navigation of Raystown branch of the Juniata river, from the mouth thereof to Magauhey's mill, about three miles above the town of Bedford, and of Dunning's creek, from the mouth thereof to the big fork; which three sums, amounting altogether to three thousand pounds, shall be taken out of the four thousand pounds, which by the above mentioned act, had been appropriated towards improving the navigation of Little Conemaugh; provided, that the faith of the commonwealth be, and it is hereby, pledged to make good the said sum of three thousand pounds, so taken from the fund appropriated for improving the navigation of Little Conemaugh, whensoever the governor shall be of opinion that the navigation of the Kishkeminetas and Conemaugh shall be so far improved, as to render the navigation of Little Conemaugh a necessary link in the chain of water and land communication between the eastern and western waters of the state.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the sum of three hundred pounds, appropriated by the above mentioned act towards opening and improving a road through the Canoe narrows, and from Daniel Titus' to Poplar run, shall be applied towards opening and improving a road through the Canoe narrows, as by that act directed, from the said Canoe narrows to Frankstown, so as to join the road directed by the second section of this act to be opened from the said Frankstown to Conemaugh.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the sum of four hundred

pounds, appropriated by the above mentioned act towards opening and improving a road from Bedford, crossing Youghiogeny, at or near the great falls, to the west side of Laurel hill, shall be applied towards opening and improving a road, to be laid out on the best and most eligible ground, from the east side of Laurel Hill, at or near Jones' mill, on the waters of the north branch of Youghiogeny river, to the west side of the Chestnut ridge, at or near Connol's ferry on Youghiogeny river.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the sum of four hundred pounds, appropriated by the above mentioned act towards opening an[d] improving a road from Fort Penn to Waullen-paupeck, and from thence to the river Susquehanna, shall be applied towards opening a road from Fort Penn aforesaid, extending up the east side of the east branch of Broadhead's creek, crossing the head waters of Bushkill, Shoholy and Blooming Grove creeks, thence on the most eligible route to the great falls of Lachawaxen, thence northerly on the most suitable ground between the waters of Lachawaxen and Delaware river, until the route intersects the portage between Delaware and Shohocking creek.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the further sum of five hundred pounds, in addition to the sum of three hundred pounds appropriated by the above mentioned act for the purpose of clearing the navigation of the river Susquehanna, from the mouth of the Juniata, to the mouth of Swatara, be appropriated towards the last mentioned purpose, to be taken out of the same fund which was appropriated by the said act for the purpose of improving the navigation of certain rivers.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the governor, for the time being, is hereby empowered to draw a warrant on the state treasurer, to be paid out of the fund appropriated by law to the improvement of roads, for the year one thousand seven hundred and ninety-two, for the purpose of laying out, improving and opening the following roads, to each of which

the several sums thereto affixed, are hereby declared to be especially appropriated, viz: for the road laid out from Bedford to Pittsburg, eight hundred pounds, to be laid and applied to that part of the said road between the east side of Allegheny mountain and the west side of Laurel hill; for the road from the east side of Sideling hill to the town of Bedford, it being a part of the road leading from Shippensburg to Bedford, one hundred and fifty pounds; for the road from the Lehigh water gap, across the Matchunk mountain to intersect the Nescopeck road, made by Evan Owen, two hundred pounds; for the road laid out through Shippensburg gap, over the South mountain, leading towards Yorktown, two hundred pounds; for a road through McAllister's gap, to be liad out, improved and opened, on the best and most eligible ground, to the Burnt Cabins, the sum of three hundred pounds; for a road from Hughes' encampment, at the foot of the Dry Ridge, across the Allegheny mountain to the west side thereof, at or near Speicher's house, to be laid out, improved and opened, on the best and most eligible ground, two hundred pounds; for a road from Cherry's mill, on Jacob's creek, on the west side of the Chestnut ridge, across the said ridge, and thence to the top of Laurel Hill, so as to intersect the road leading from Jones' mill, on the north branch of Youghiogeny river, to Connol's ferry on Youghiogeny river, two hundred pounds; for a road beginning at the west end of High street of the city of Philadelphia, and thence extending on the direction of said street, about three and a half miles, through the county of Philadelphia and township of Blockley, to the line of the county of Delaware, three hundred pounds; for opening a road, in a winding ascent over Vanderen's hill, in Roxbury township, in the county of Philadelphia, agreeable to the principles of a survey made by David Rittenhouse and Thomas Hutchins, in pursuance of instructions given to them by the general assembly the twenty-sixth day of September, one thousand seven hundred and eighty-three, the sum of three hundred pounds; for the road leading from Lancaster to Harrisburg, beginning at the Bear, in Donegal township, to Swatara creek, in Dauphin county,

the sum of five hundred pounds; for the road over the Three Mountains, commonly called Skinner's road, it being part of the road leading from Shippensburg to Bedford, two hundred pounds; for the road from Mount Rock, near Carlisle, to Rankin's ferry, on Susquehanna, one hundred and fifty pounds, to be applied to that part of the road which will extend across the South mountain; for a road across the Blue mountain, at Smith's gap, between the Windgap and the Lehigh water gap, two hundred pounds; for a road along the east side of Susquehanna, beyond Peter's mountain, and to extend to Sunbury, in addition to the grant made last year for the road by the end of Peter's mountain, one hundred and fifty pounds, to be expended in Northumberland county.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the governor shall, as soon as convenient after passing this act, appoint three commissioners, whose duty it shall be to view and lay out a road, beginning at the river Susquehanna, at or near the ferry, commonly called and known by the name of Peach bottom ferry, and running the most direct course, consistent with the most level and otherwise eligible ground, as far as this state extends, towards such part of the navigable water of Christiana creek, in the State of Delaware, as in the opinion of said commissioners shall be most conducive to the convenience and ease of the transportation of the produce of the country generally, and make a draft and return of survey of such road to the governor, which draft of survey and road, being by him approved, it shall be recorded a state road, the expense of which view and survey shall be paid out the fund of five thousand pounds, heretofore appropriated to the improvement of roads and inland navigation, by an order or orders to be drawn by the governor on the treasurer of the commonwealth.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the sum of three hundred pounds, which by an act, entitled "An act to provide for the opening and improving sundry navigable waters and roads within this commonwealth,"² passed the thirteenth day of

(3) See Ante.

April last, was appropriated for a road from Fulton's ferry, on Susquehanna, towards Newport, shall be, and it is hereby, appropriated to the opening and improving the road from McCall's ferry, until it meets or falls in with the road to be laid out from Peach bottom towards Christian creek, as herein-before directed.

[Section XI. (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the governor, for the time being, shall be, and he is hereby, empowered to appoint commissioners, for the purpose of viewing and laying out the following roads, and also to draw warrants on the state treasurer, to be paid out of the funds appropriated for roads and improvements for the year one thousand seven hundred and ninety-two; that is to say, for laying out a road from Wilkesbarre, on the west side of Susquehanna, to Wyalusing, or Mushopen creek, and thence crossing the river, and running a northwesterly course, to intersect Ellicot's road, at or near Tioga point, and from thence to the north bounds of the state, one hundred pounds; for laying out a road from Loyal Sock creek, on the west branch of Susquehanna, to the Tawanisco branch of Tioga, and to extend up to the one hundred and nine mile stone, one hundred pounds; and for laying out a road from Stockport, on the Delaware, and extending to the east branch of Susquehanna, near Mushopen creek, one hundred pounds.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the governor shall be empowered to make contracts for the improving the roads and rivers in this act mentioned, either with individuals, or with companies, and to employ agents of information for that purpose, in the same manner as he could have done by virtue of the act above mentioned; and the moneys thus directed by the act, entitled "An act [to provide] for the opening and improving sundry navigable waters and roads within this commonwealth."*

(4) See Ante.

*It is obvious that a part of this section has been omitted in transcribing the bill, which, upon adverting to the copy printed for

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That where it shall appear to the governor that deviations from the routes described by any act of the legislature, for roads directed by such act to be laid out, opened and improved, are essentially necessary to fulfill the intentions of the legislature, or where the sums appropriated to any contiguous improvements may be more properly apportioned, he shall be authorized to make such deviations or apportionments. Provided always, That the said alterations do not depart from the principles of the several improvements intended by the legislature.

Passed April 10, 1792. Recorded L. B. No. 4, p. 510, etc.

CHAPTER MDCXLVI.

AN ACT TO PROVIDE FOR PAYING AND REDEEMING CERTAIN PUBLIC DEBTS, AND FOR DEFRAYING THE EXPENSES OF GOVERNMENT.

In order to provide immediate means for the payment of the interest accruing upon the public debt.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the interest accruing on or before the first day of July next, upon all the certificates, which have at any time heretofore been issued by and under the authority of this commonwealth, and upon which interest is payable by the state, by virtue of any of the existing laws, shall be paid by the state treasurer, as the same becomes

the use of the Senate, concludes in the following manner: "and the moneys thus directed by this act to be applied to the improving the said roads and rivers shall respectively be paid out of the same funds, in the same manner, and under the same regulations, as moneys appropriated by the above mentioned act, and directed to other purposes by this act, should have been paid, respectively, for the purposes by the above mentioned act intended."

due and payable, out of the moneys that he shall, from time to time, receive for the use of the commonwealth, by virtue of the assumption and provision contained in the seventeenth section of an act of congress, entitled "An act making provision for the debts of the United States," passed on the fourth day of August, in the year one thousand seven hundred and ninety, and the surplus or residue of the moneys so received, by virtue of the assumption and provision aforesaid, after satisfying the said appropriation hereinbefore made, shall, together with all moneys receivable in the land office for the purchase or payment of lands, be added to and make for the current year a part of the aggregate fund, created and established by an act of the general assembly of this commonwealth, entitled "An act authorizing the governor to negotiate a loan for the use of this commonwealth, and appropriating certain funds and revenues for the support of government, and the payment of the public debt,"¹ for the purposes, respectively, to which such aggregate fund has been, or shall be, appropriated, by any law or laws of this commonwealth.

(Section II, P. L.) And in order to provide effectually for the redemption of certain public debts hereinafter specified, upon just and reasonable terms.

[Section II.] Be it further enacted by the authority aforesaid, That it shall and may be lawful for the comptroller general and register general, for the time being, under the direction and control, and with the approbation of the governor, to enter into a bargain or bargains, by private contract, for selling and transferring, at such periods and in such sums as the governor shall direct or approve, so much of the three per cent. stock of the United States, the property of this state, as will be necessary and sufficient to pay, redeem and forever discharge the following debts or engagements, owing and contracted by this commonwealth; that is to say, for the payment, redemption and discharge of all the certificates, upon which an interest of six per cent. per annum is payable, by virtue of any of the existing laws of this commonwealth at their nominal value, respectively; for the payment, redemp-

¹Passed April 7, 1791; Chapter 1554.

tion and discharge of all the certificates which were issued by the state, bearing an interest of six per cent., as an equivalent for the loss sustained upon the deferred stock of the United States, by the creditors of this state, who subscribed to the loan proposed by congress, at the rate of thirty-nine pounds, in gold or silver money, for every one hundred pounds in the nominal amount of the certificates of deferred stock, on which such additional six per cent. certificates were respectively granted by the state as aforesaid; for the payment, redemption and discharge of all the certificates which were issued by the state, bearing an interest of three per centum, as an equivalent for the loss sustained upon the three per cent. stock of the United States, by the creditors of this state, who subscribed to the loan proposed by congress, at such rate as the same may be purchased, provided the same does not exceed the rate of fifty pounds, in gold or silver money, for every one hundred pounds in the nominal amount of the certificates of three per cent. stock, on which such additional three per cent. certificates were respectively granted by the state as aforesaid; and for the payment, redemption and discharge of all and every of the bills of credit, commonly called dollar money, remaining in circulation, together with the interest due thereon, at the nominal value and amount of such bills, and of the interest due thereon.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That whenever the said comptroller general and register general shall, in pursuance of this act, and under the restrictions herein contained, contract for the sale of any quantity of stock as aforesaid, and such contract is approved by the governor, it shall and may be lawful for the governor to draw a warrant or warrants upon the state treasurer, in favor of the purchasers thereof, specifying the amount and amounts of the stock contracted to be sold, and the price and prices to be paid for the same, and requiring the said treasurer, upon receiving the stipulated price and prices for which the said stock shall be sold, to transfer to the purchaser or purchasers thereof the specified amount and amounts of stock, according to the forms in that behalf established at

the treasury of the United States; and the said treasurer is hereby authorized and required, upon the receipt of the said stipulated price and prices, to make the transfer and transfers directed by such warrant and warrants, in manner aforesaid.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said comptroller general and register general shall keep fair and regular accounts of the sale and sales of stock made in pursuance of this act, and shall present the same, from time to time, to the governor, for his examination; and the governor shall render a full and exact report and statement of his proceedings in the premises, specifying the time, the price and the amount of each sale of stock, unto the general assembly, within the first week of the next session thereof, and at such other times as either branch of the legislature shall require.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That on the first day of July next, if the notification hereinafter mentioned shall for that purpose be given, or on such other day as the governor may fix by his notification, provided the same be two months after such notification, the holder and holders of all and every of the different denominations of certificates, for the payment, redemption and discharge of which provision is made in the second section of this act, shall be entitled to have and receive the value thereof, upon depositing with the register general, his, her or their respective certificates, which certificates shall be examined by the register general and comptroller general, who shall severally enter them in the same manner as other accounts, and upon such entry being made as aforesaid, they shall jointly certify the governor of such deposit being made, and the value thereof, respectively, estimated at and after the rates, respectively, in the said second section of this act mentioned and declared; and the governor shall thereupon draw a warrant in favor of the party or parties, respectively, upon the state treasurer, for the amount thereof, which warrant shall be countersigned by the register general and comptroller general and entered as in other cases, and all the certificates

as aforesaid shall be canceled and pasted into proper volumes, agreeably to the mode heretofore pursued upon the redemption of the evidences of the public debt.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That if congress shall, on or before the first day of July next, renew and again open the subscription to the loan heretofore proposed to the state creditors, or shall in any other manner, and upon any other terms, provide for the assumption of the non-subscribed debts owing to such state creditors, the holder or holders of any certificate or certificates, subscribable to the subscription so renewed, or entitled to the benefit of such other provision, shall be entitled to have and receive the nominal value of the said certificate or certificates from the state treasurer, upon this condition and not otherwise, that they shall and do subscribe to the loan so renewed, or acquiesce in the terms of such other provision; and thereupon, on or before the first day of July next, transfer to the state treasurer, for the use of the commonwealth, each and every the certificate and certificates which they shall receive from the United States in consequence of such subscription, or all and singular the interests and benefits to be derived from such other provision, together with the proper evidences thereof.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the governor shall cause a notification to be published, for the space of two successive months, in two of the daily newspapers, and two of the other newspapers of the city of Philadelphia, and also in the newspapers printed in the towns of Lancaster, York, Reading, Carlisle, Chambersburg, Harrisburg and Pittsburg, respectively, requiring each and every holder of any certificate or certificates, bills of credit, or other evidences of debt, by this act intended to be paid, redeemed and forever discharged, to apply on the first day of July next, for the purpose of receiving payment thereof, in the manner hereinbefore directed; and from and after the said first day of July next, all interest, and all right and claim to interest, upon such certificate and certificates, bills of credit, or other evidences of debt, save for

the interest on the said first day of July next, actually due and payable, shall cease, determine, and be thenceforth extinguished; and the holder or holders of the said certificate and certificates, bills of credit, or other evidences of debt, who shall neglect to apply as aforesaid, on the first day of July next, for the purpose aforesaid, shall forfeit and lose all the benefit and advantage of this act, unless such holder or holders shall, on or before the first day of January, which will be in the year one thousand seven hundred and ninety-three, enter the same in a book for that purpose to be kept by the treasurer, in which last mentioned case the certificate and certificates, bills of credit, and other evidences of debt, so entered, shall, at the expiration of three months from and after the date of the entries, respectively, be paid, redeemed and forever discharged, in the same manner, at the like rate, and upon the same conditions as if application had been regularly made, in pursuance of the notification herein before directed to be published. But, provided always, nevertheless, and it is the true intent and meaning of this act, that if the governor shall not be able to obtain sixty pounds, in gold or silver, for every one hundred pounds of the nominal of the three per cent. stock of the United States hereinbefore directed to be sold, for the purposes aforesaid, he shall forbear to issue and publish the above mentioned notification, and to sell and dispose of the said stock, until he shall be able to obtain the said price of sixty pounds in gold or silver, for every one hundred pounds of the nominal amount of the three per cent. stock of the United States thus directed to be sold; and if no notificataion shall be given as aforesaid, and until the same is actually given, and the period thereby prescribed has elapsed, the interest on each and every of the certificates hereby intended to be paid, redeemed, and forever discharged, shall continue to be allowed, and shall be paid as the same becomes due, out of the fund established in and by the first section of this act, anything herein to the contrary thereof in anywise notwithstanding.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the holders of the

different denominations of bills of credit, for the payment, redemption and discharge of which provision is made in the second section of this act, shall be entitled, upon depositing with the state treasurer his, her or their respective bills of credit aforesaid, to have and receive the value thereof respectively, estimated at and after the rates respectively in the said second section of this act, mentioned and declared; and the bills of credit, redeemed as aforesaid, shall be reserved and set apart by the said treasurer, to be destroyed in such manner, and at such time and times, as the legislature shall direct.

(Section IX, P. L.) And in order to provide for defraying certain necessary expenses of government, which have not hitherto been objects of an appropriation by law.

[Section IX.] Be it further enacted by the authority aforesaid, That for the year one thousand seven hundred and ninety-two, the sum of five hundred dollars, part of the funds appropriated for the support of government, shall be, and hereby is appropriated for paying all charges for necessary clerk hire, printing, stationery, attendance, expresses and fuel, for the use of the executive department, which charges, respectively, shall not be incurred, but upon the previous approbation and allowance of the governor, who shall cause the same to be paid, by warrants drawn on the state treasurer, and an account thereof shall be rendered quarterly and every quarter, by the secretary of the commonwealth to the register general, who shall examine and pass the same in like manner as other public accounts are examined and passed.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That from and after the first day of January next, all moneys arising from the interest payable to the commonwealth, by reason of any and every certificate and certificates issued by and under the authority of the United States, all moneys in like manner payable to the commonwealth, in pursuance of the assumption and provision contained in the seventeenth section of the act of congress hereinbefore mentioned, all moneys arising from fees receivable in the secretary's office or in the land office from marriage or tavern licenses, from court fines, and from taxes on pleasur-

able carriages, together with the arrearages of such taxes, all moneys that shall be paid in the land office for purchase or payment of lands, all moneys arising from any public tax assessed subsequent to the year one thousand seven hundred and eighty-four, (payments in bills of credit emitted in the year one thousand seven hundred and eighty-five always excepted), and all moneys arising from any other funds of this state whatsoever, after the appropriations that may have been or shall be charged on the said funds shall have been satisfied, shall be, and the same are thenceforth hereby appropriated as one aggregate fund, towards the payment, satisfaction and discharge of the expenses incurred for the following purposes, in the order in which they are set forth; that is to say, for the annual expenses of government, for the charges stated in the next immediately preceding section of this act, for pensions allowed and authorized by any existing law or laws of the commonwealth, and for the annual disbursement, in such manner as the legislature may from time to time direct, of the sum of five thousand pounds, heretofore appropriated for the improvement of the public roads.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the governor is hereby empowered, from time to time, to apply the balance of moneys arising from the sales of stock, directed to be made by this act, remaining in the state treasury after satisfying the appropriations charged on the same, in the procuring of shares in the Bank of North America, for the [use] of this commonwealth, provided the same may be obtained at par.

Passed April 10, 1792. Recorded L. B. No. 4, p. 517, etc. Supplement passed February 9, 1793, Chapter 1653. See Act of April 10, 1793, Chapter 1679, as to payment of certain warrants. See Act of April 22, 1794, Chapter 1775, as to payment of unfunded depreciation certificates. See Act of April 1, 1795, Chapter 1821, appropriating two thousand dollars to pay militia. See Act of April 4, 1796, Chapter 1902, as to settlement on depreciation or funded debt certificates.

CHAPTER MDCXLVII.

AN ACT TO ENABLE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY FOR OPENING A CANAL AND WATER COMMUNICATION BETWEEN THE RIVERS DELAWARE AND SCHUYLKILL, AND FOR OTHER PURPOSES THEREIN MENTIONED.

Whereas connecting the waters of the rivers Delaware and Schuylkill, by means of a canal, will not only immediately contribute to the convenience of the citizens, but correspond with the extensive plan of connecting the eastern with the western waters of the state; and there being ample reasons for expecting that the same may be effected by individual citizens, if invited thereto by reasonable encouragement: Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That David Rittenhouse, William Moore Smith, Eliston Perot, Cadwalader Evans, Junior, and Francis Johnston, be, and they are hereby, appointed commissioners, to do and perform the several duties hereafter mentioned; that is to say, they shall and may, on or before the first day of July next, procure a book or books, and therein enter as follows: "We whose names are hereunto subscribed, do promise to pay to the president and managers of the Delaware and Schuylkill canal navigation, the sum of two hundred dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the said president and managers, in pursuance of an act of the general assembly of this commonwealth, entitled 'An act to enable the governor of this commonwealth to incorporate a company for opening a canal and water communication between the rivers Delaware and Schuylkill,'" and shall thereupon give notice in three of the public newspapers printed

in Philadelphia, one whereof shall be in the German language for one calendar month at the least, of the time and place, when and where the said book or books will be opened to receive subscriptions of stock for the said company; at which time and place the said commissioners, or any three of them, shall attend, and shall permit and suffer all persons, who shall offer to subscribe in the said book or books, which shall, for that purpose, be kept open at least six hours in every juridical day, for the space of at least three successive days; and on any of the said juridical days within the hours aforesaid and on any of the said juridical days, within the hours aforesaid, any person of the age of twenty-one years, shall have liberty to subscribe in his own, or any other name or names, by whom he shall be authorized, for one share; on the second day, for one or two shares; on the third, for one, two or three shares; and on any succeeding day while the said books shall remain open, for any number of shares in the said stock; and if at the expiration of the said three first days, the said book shall not have two thousand shares therein subscribed, the said commissioners may adjourn, from time to time, until the said numbers of shares shall be subscribed, of which adjournments public notice shall be given in at least one public paper; and when the said subscriptions in the said books shall amount to the respective numbers aforesaid, the same shall respectively be closed; and if on that day, and before the said subscriptions shall be declared to be full, applications shall be made to subscribe more shares than will fill the said book to the numbers aforesaid, respectively, then the said commissioners shall apportion the whole number of shares, unsubscribed on the morning of that day, among all those who shall have subscribed, or offered to subscribe, as aforesaid, on that day, by deducting from the subscribers of more shares than one such proportion of the shares by them respectively subscribed, as will, with the least fraction, and leaving every person one or more shares, come nearest to the exact numbers of shares aforesaid. Provided always, that every person offering to subscribe in the said book in his own name, or any other name, shall previously pay to the attending com-

missioners ten dollars for every share to be subscribed, out of which shall be defrayed the expenses attending the taking such subscriptions, and other incidental charges and compensation to the said commissioners, not exceeding two dollars to each of them for every day they shall be publicly employed in the said business, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized and the officers chosen as hereinafter mentioned.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That when one hundred persons or more shall have subscribed five hundred or more shares in the said stock, the said commissioners may, or, when the whole number of shares aforesaid shall be subscribed, they shall certify, under their hands and seals, the names of the subscribers and the number of shares subscribed by, or apportioned to each subscriber, to the governor of this commonwealth; and thereupon it shall and may be lawful to and for the governor, by letters patent under the great seal of the state, to create and erect such subscribers into one body politic and corporate in deed and in law, with perpetual succession, and with all the privileges and franchises incident to a corporation, by the name, style and title of "The President, Managers and Company of the Delaware and Schuylkill Canal Navigation;" and by such name the said subscribers, and such other subscribers as may thereafter become shareholders, not exceeding the number of two thousand, as aforesaid, shall be able and capable of holding their said capital stock, and the increase and profits thereof, and of enlarging the same, from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfill the end and intent of this act, and of purchasing, taking and holding to them, their successors and assigns, in fee simple, or for any lesser estate, all such lands, tenements and hereditaments, as shall be necessary for them in the prosecution of their work, and of doing all and every other act, matter and thing which a corporation or body politic may lawfully do.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said president and managers to take water from the river Schuylkill, by means of a canal beginning at any place on the easterly side of the said river, between the upper side of the mouth of Stony creek at Norriton, and the north bound of the city of Philadelphia, where it strikes the said river, and to conduct the water thereof, by means of a canal, along the easterly bank of the said river, or as near thereto as the nature of the ground and intervening obstacles and impediments will admit, and from thence, to conduct the said water, as nearly parallel as may be, to the north bounds of the said city, by the most convenient route, to the river Delaware, the width of the said canal, at or near the place where it shall be taken from the river Schuylkill, not to exceed thirty feet; and no more water shall be drawn from the said river, than will pass through a thirty feet water way, which shall be erected of stone or wood by the said company, and be kept in constant repair, under the penalty of forfeiting all the rights and immunities granted by this act; which water way shall be erected within the distance of one mile, at most, from the mouth of the said canal on the river Schuylkill; but no part of the said work shall be commenced before the said president and managers shall have ascertained and paid for the value of the ground to be occupied by the said canal and works, as also for any damage which the owners may sustain, by means of such alienation, or otherwise, by means of the canal passing through their grounds, agreeably to the mode hereinafter directed. Provided always, That wherever the said president and managers shall find it most convenient to commence the said canal, they shall have liberty to erect a wing from the easterly shore of the said river Schuylkill, extending up the stream, but not to extend more than one-third across the said river, except the said wing shall be erected at the upper side of the mouth of Stony creek, in which case it may extend to the head of the island opposite thereto, but the said canal shall not be commenced and the said wing be erected, at any place which shall render the navigation of the said river dan-

gerous, by forcing boats or rafts on the opposite shore, or on rocks or shoals, which they might otherwise have passed in safety; and if the said president and managers shall be of opinion, that it may be advisable to construct a canal between the said rivers Schuylkill and Delaware, by means of lock navigation, to be supplied with water from the streams lying between the north bounds of the city of Philadelphia, and the distance of eight miles therefrom, it shall and may be lawful for them so to do, and to effect the same, shall have power to conduct any of the said streams into such canal, paying for the damage occasioned thereby in manner aforesaid.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall have power to form dry and wet docks for the accommodation of vessels, near the city of Philadelphia, to communicate with the waters of the said canal, and to supply the city of Philadelphia, and the neighborhood thereof, with water, by means of pipes and other conductors under the public roads, streets and alleys, conveying water from thence for the use of such persons, as will agree to pay for the same such annual prices as shall be established by the said president and managers. Provided always, that they shall immediately repair any injury which they may do to said roads, streets or alleys, by means of laying down or repairing any of the said pipes or conductors, and give as little obstruction to the use of the said roads, streets or alleys as the nature of the works will admit. Provided also, That the said company shall not be entitled to any greater price for water to supply the city, and neighborhood thereof, than will create the annual profit of ten per centum on the capital that may and shall be expended for that particular purpose, exclusive of the general expense of the canal.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the seven persons first named in the said letters patent shall, as soon as conveniently may be after sealing the same, give notice in three of the newspapers published in the city of Philadelphia, as aforesaid, of a time and place by them to be appointed, not less than thirty days

from the time of issuing the said notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by majority of votes of the said subscribers, by ballots, to be delivered in person or by proxy, one president, twelve managers, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company for one year, and until such other officers shall be elected, and shall or may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this commonwealth, as shall be necessary for the well ordering of the affairs of the said company. Provided always, That no person shall have more than twenty votes in the said elections, or in determining any question arising at such meeting, whatever number of shares he may be entitled to, and that each person holding one or more shares under the said number of twenty shall have one vote for every share by him held.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said company shall meet on the first Monday of January in each succeeding year, at such place as shall be fixed by the rules and orders of the said company, to be made as aforesaid, for the purpose of choosing such officers as aforesaid, for the ensuing year, and at such other times as they shall be assembled by the managers, for the purpose of making by-laws, rules, orders and regulations, not inconsistent with the constitution and existing laws of this state, as shall from time to time be necessary, of which meetings previous notice shall be given, in such manner as shall be provided by such rules and orders.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall procure certificates to be printed or written, for every share of the capital stock of the said company, and deliver one to each subscriber, signed by the president, and sealed with their common seal, he paying to the treasurer of the company the sum of twenty-five dollars for every share by him subscribed, which certificate shall be transferable at his pleasure, in the presence of the treasurer of the

said company, subject, however, to all payments due and to grow due, and the holder of every such certificate, having first caused the assignment to him to be entered into a book of the company, to be kept for that purpose, shall be a member of the said corporation, entitled to one share of the capital stock, and of all the estate and emoluments of the company, and to vote as aforesaid at the general meetings thereof.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall have full power and authority to appoint all officers necessary to supply vacancies, by death, resignation or otherwise, and also to appoint one or more superintendents of the works to be undertaken by them, and to hire and employ all such engineers, artists, workmen and laborers, as they shall find necessary to carry on the same; and by the said superintendent, engineers, artists, workmen and laborers, to enter into and upon all and singular the land and lands, which may be deemed most convenient for accommodating the said canal navigation, and to lay out and survey such route or tracks, as shall be deemed most practicable for effecting a navigable canal between the rivers Delaware and Schuylkill, near the said city, by means of locks and other devices, conformably to the provisions in the third section of this act, doing, nevertheless, as little damage as possible to the ground and enclosures in and over which they shall pass; and thereupon it shall and may be lawful to and for the said president and managers, to contract and agree with the owners of any lands and tenements, for the purchase of so much thereof as shall be necessary for the purpose of making, digging and perfecting the said canal, and of erecting and establishing all the necessary locks, works and devices to such a navigation belonging, if they can agree with such owners; but in case of disagreement, or in case the owner thereof shall be feme covert, under age, non compos mentis, or out of the state, or otherwise incapacitated to convey, then it shall and may be lawful to and for the said president and managers, to apply of this commonwealth, after such finding, and upon such writ to two of the justices of the supreme court of this common-

wealth, who, upon such application, are hereby authorized and empowered, enjoined and required, to frame and issue one or more writ or writs, as occasion shall require, in the nature of a writ ad quod damnum, to be directed to the sheriff of the county in which such lands and tenements shall be, commanding him, that by the oaths and affirmations of twelve good and lawful men of his bailiwick, who shall be indifferent to the parties, he shall inquire whether the person or persons owning any lands and tenements necessary to be used by the said president and managers, or which shall be injured in establishing the said canal and navigation, which person or persons shall be named, and which lands and tenements shall be described, in such writ or writs, will suffer and sustain any and what damages, by reason or means of taking any such lands, tenements or other real hereditaments necessary for the use of said canal and navigation, and the locks and works thereto belonging, and to return the same writ together with the finding of the said jury, to the next supreme court of this commonwealth after such finding; and upon such writ being delivered to the said sheriff, he shall give at least ten days, notice in writing to all and every the owners, or their representatives, of the lands and tenements in the said writ described, of the time of executing the same, and shall cause to come upon the premises, at the time appointed, twelve good and lawful men of his bailiwick, who shall be selected in such manner as struck juries usually are, to whom he shall administer an oath or affirmation, that they will diligently inquire concerning the matters and things in the said writ specified, and a true verdict give according to the best of their skill and judgment, without favor or partiality; and thereupon the said sheriff and inquest shall proceed to view all and every the lands and tenements, or other real hereditaments, in such writ specified, and having considered the quantity and quality thereof, which shall be necessary to be vested in the said company for the purposes aforesaid, they shall cause the same to be minutely and exactly described by metes and bounds, or other particular descriptions, and shall value and appraise

the injury and damages which the owner or owners of the said lands, tenements or other real hereditaments or improvements, will, according to their best skill and judgment, sustain and suffer, by means of so much of the said lands, tenements or other real hereditaments or improvements being vested in the said company, or by means of any works being destroyed, or rendered useless or of less value, or by means of the said company being permitted to turn any watercourse, for the use of the said canal, or by means of said company being permitted to enlarge any pond or watercourse, and to use the same for the purposes aforesaid, or by any other means whatsoever, defining and ascertaining as well all such lands and tenements, liberties and privileges, so to be vested in the said company, as the several sums at which the said injuries and damages shall be so assessed, and the said sheriff and jury shall make an inquisition, under their hands and seals, distinctly and plainly setting forth all the matters and things aforesaid, and the sheriff shall forthwith return the same, together with the said writ, to the office of the prothonotary of the supreme court; and at the first supreme court which shall be held next after the return of any such writ, the justices of the said court shall examine the same, and if the said writ shall appear to have been duly executed, and the return thereof be sufficient to ascertain the lands and tenements, rights, liberties and privileges, intended to be vested in the said company, and the several compensations awarded to the owners thereof, then the said court shall enter judgment, that the said company paying to the several owners as aforesaid, the several sums of money in the said inquisition assessed, or bringing the same into the said court, over and besides the cost of such writ, and of executing and returning the same, shall be entitled to have and to hold to them, and their successors and assigns forever, all and every the lands, tenements, rights, liberties and privileges, in the said inquisition described, as fully and effectually, as if the same had been granted to them by the respective owners thereof; and if any return so to be made shall not be sufficiently certain for the

purposes aforesaid, the said court shall award inquisition de novo.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That whenever the said canal shall cross any public or private laid out road or highway, or shall divide the grounds of any person into two parts, so as to require a ford or bridge to cross the same, the jury who shall inquire of the damages to be sustained in manner herein directed, shall find and ascertain whether a passage across the same shall be admitted and maintained by a ford or bridge, and on such finding, the said president and managers and company shall cause a ford to be rendered practicable, or a bridge fit for the passage of carts and wagons to be built and forever after maintained and kept in repair, at all and every the places so ascertained by the said jury, at the costs and charges of the said company; but nothing herein contained, shall prevent any person from erecting and keeping in repair, any foot or other bridge across the said canal, at his own expense, where the same shall pass through his ground, provided the same shall be of such a height above the water, as shall be usual in the bridges erected by the company, and provided that such foot or other bridges, so to be erected by the owners of such lands, shall not interfere with any of the locks or buildings or other works of the company.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall have power and authority, from time to time, to fix the several sums of money which shall be paid by the subscriber or holder of every share of the stock of the said company, in part or for the sum subscribed, and the time when each and every dividend or part thereof, shall be paid, and the place where it shall be received, and shall give at least thirty days' notice in three of the public newspapers published in the city of Philadelphia, as aforesaid, of the sum or dividend and the time and place of receiving the same; and if the holder of any share shall neglect to pay such proportions, at the place aforesaid, for the space of sixty days after the time so appointed for paying the same, every such shareholder or his

assignee, shall, in addition to the dividend so called for, pay after the rate of five per centum for every month's delay of such payment; and if the same and the said additional penalty shall not be paid for such space of time, as that the accumulated penalties shall become equal to the sums before paid for and on account of such shares, the same shall be forfeited to the said company, and may and shall be sold by them, to any person or persons willing to purchase for such prices as can be obtained therefor.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said president and managers and their superintendents, engineers, artists, workmen and laborers, with carts, wagons, wains and other carriages, with their beasts of draught and burden, and all necessary tools and implements, to enter upon the lands contiguous or near to the said track of the intended canal and navigation, first giving notice of their intention to the owners thereof, or their representatives, and doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damages that may be sustained by the owners of such ground, by appraisement, in manner hereinafter directed, and upon a reasonable agreement with the owners, if they can agree, or, if they cannot agree, then upon an appraisement to be made upon the oath or affirmation of three, or if they disagree, any two indifferent freeholders to be mutually chosen, or, if the owners neglect or refuse to join in the choice, to be appointed by any justice of the peace of the county, and tender of the appraised value, to carry away any stone, gravel, sand or earth thereto, being most conveniently situate for making or repairing the said canal and navigation, and to use the same in carrying on the said works.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said president and managers of the said company, so soon as the said canal and navigation shall be perfected, to appoint such and so many collectors of tolls for the passage of boats, vessels and rafts in and through and

along the same, and in such places as they shall think proper; and that it shall and may be lawful to and for such toll collectors and their deputies, to demand and receive of and from the persons having the charge of all boats, vessels and rafts, passing through the said canal and navigation and the locks thereto belonging, such tolls and rates, for every ton weight of the ascertained burden of the said boats and vessels, and for every hundred feet cubic measure of timber, and twelve hundred feet board measure of boards, plank or scantling in rafts, as the said president and managers shall think proper, at any lock or other convenient place at the said canal; provided that the amount of the said tolls shall not in the whole exceed the rate of one-sixteenth of a dollar per mile for every ton of the burden of such boat or vessel, and for every hundred feet, cubic measure, of timber, and twelve hundred feet, board measure, of boards, planks or scantling.

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That in order to ascertain the size of rafts, and the tonnage of boats, using and passing the said canal and navigation, and to prevent disputes between the supercargoes and collectors of tolls concerning the same, upon the request of the owner, skipper or supercargo of such boat or raft, or of the collector of the said tolls, at any lock upon the said canal and navigation, it shall and may be lawful for each of them to choose one skillful person to measure and ascertain the size of the said rafts, or the number of tons which the said boat or vessel is capable of carrying, and to mark the said tonnage so ascertained in figures upon the head and stern of the said boat, in colors mixed with oil, and that the said boat or vessel, so measured and marked, shall be permitted to pass through the said canal and locks, for the price per ton to which the number of tons so marked on her shall amount to, agreeably to the rates fixed in the manner aforesaid; and if the owner, skipper or supercargo of such boat or vessel, shall decline choosing a person resident within two miles of the place where such toll is payable, to ascertain the tonnage thereof, then the amount of such tonnage shall be fixed and ascertained by the person appointed

for that purpose by the president and managers, or chosen by the said collector of tolls for the said company, and the toll shall be paid according to such measurement, before any such boat or vessel shall be permitted to pass the place where such toll shall be made payable by the said company. Provided always, That if any of the said boats shall have been marked on any other canal, the said collectors shall admit the same as the rate of tonnage, unless they shall have cause to suspect that the same is not correct, in which case a new mark be painted, without defacing the old mark.

[Section XIV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall willfully and knowingly do any act or thing whatsoever, whereby the said navigation or any lock, gate, engine, machine or device thereto belonging, shall be injured or damaged, he or they so offending shall forfeit and pay to the said company four-fold the costs and damages by them sustained, by means of such known and willful act, together with costs of suit in that behalf expended, to be recovered by action of debt, in any court having jurisdiction competent to the sum due.

[Section XV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That the collectors of tolls, duly appointed and authorized by the said president and managers, may stop and detain all boats and vessels using the said canal and navigation, and also all rafts passing the same, until the owner, skipper or supercargo of the same shall pay the tolls so as aforesaid fixed, or may distrain part of the cargo therein contained, or a part of such rafts, sufficient by the appraisement of two credible persons to satisfy the toll, which distress shall be kept by the collector of the tolls taking the same, for the space of five days, and afterwards sold by public auction at some public place in the neighborhood, to the highest bidder, in the same manner and form as goods distrained for rent are by law sold and salable, rendering the surplus, if any there be, after payment of the said tolls, and the costs of distress and sale, to the skipper, supercargo or owners thereof.

[Section XVI.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That the president and managers of the said company may demand and require, of and from the said treasurer, and of and from all and every other the officers, superintendents and other persons by them employed, bonds, in sufficient penalties, and with such securities as they shall by their rules, orders and regulations require, for the faithful discharge of the several duties and trusts to them, or any of them, respectively, committed.

[Section XVII.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That the president and managers of the said company shall keep fair and just accounts of all moneys received by them, from the subscribers to the said undertaking, for their subscriptions thereto, and all penalties for delay or non-payment thereof, and of all moneys by them expended in the payment of the costs and charges of procuring and purchasing all estates, rights and titles, in the said company to be vested in pursuance of this act, or by any other means, and in paying their several officers, by them to be appointed, and the wages of the different engineers, artists, workmen and laborers by them to be employed, and for the materials and work furnished and done in the prosecution of the works projected by the said company, and shall, once at least in every year, submit such account to the general meeting of the stockholders, until the said canal and navigation shall be completed, and until all the costs, charges and expenses of effecting the same shall be fully paid and discharged, and the aggregate amount of such expenses shall be liquidated; and from and after the liquidation thereof, if the works shall not be sufficiently perfected, or from any casualty should be injured so as to require an increase of the capital stock, it shall and may be lawful to and for the said president, managers and company, at a general meeting of the stockholders, thereof, held in pursuance of the preceeding provisions, or called by the president and managers of the company for the especial purpose, by public notice in three newspapers in manner aforesaid (which shall be given three months previously to the opening of the said subscriptions) to increase the num-

ber of shares to such extent as shall be deemed sufficient to accomplish the object of this act, and to demand and receive such additional subscriptions from the former, or, in case of their neglect or refusal, after ten successive days from the time of such meeting, from new subscribers, and upon such terms and in such manner, as by the said general meeting shall be agreed on.

[Section XVIII.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall also keep a just and true account of all and every the moneys received by their several and respective collectors of tolls on the said canal navigation, and shall make and declare a dividend of the clear profits and income thereof (all contingent costs and charges being first deducted) among all the subscribers to the said company's stock, and shall, on every the second Mondays of January and July in every year, publish the half yearly dividend to be made of the said clear profits to and amongst the stockholders, and of the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly.

[Section XIX.] (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall, at the expiration of every third year from the date of their incorporation, lay before the general assembly of this commonwealth, an abstract of their accounts, showing the whole amount of the capital expended in purchasing real estates, and in digging, erecting and establishing the whole of the said canal, locks and works, and the whole income and profits arising from the same, for and during the said periods, together with the exact amount of the contingent expenses of supporting, maintaining and keeping the same in repair for the said periods, to the end that the clear annual profits may be known, and if at the end of two years after the said canal and navigation shall be completed, it shall appear that the said clear profits and income will not bear a dividend of six per centum per annum on the whole capital stock of the said company so expended, then it shall and may be lawful to and for the said president, managers and company to

increase the tolls hereinabove allowed to them, so much per ton as will raise the dividend up to six per centum per annum; and at the end of every period of ten years after the said canal shall be completed, they shall render a like abstract to the general assembly of their accounts for three preceding years; and if, at the end of any such decennial period it shall appear from such abstract, that the clear profits and income of the said company will bear a dividend of more than twenty-five per centum per annum, then and in such case, the said tolls shall be reduced so much per ton, as will reduce the said clear profits and income to a dividend not exceeding twenty-five per centum per annum. .

[Section XX.] (Section XX, P. L.) And be it further enacted by the authority aforesaid, That whenever the profits of the said company shall amount to a clear annual dividend of fifteen per centum on the whole amount of their capital stock expended, there shall then be reserved one per centum per annum out of the same, which shall be applied, under the direction of the legislature, for the establishment of schools, and the encouragement of the arts and sciences in one or more seminaries of learning.

[Section XXI.] (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That if the said company shall not proceed to carry on the said work within the space of two years from the passing of this act, or shall not within the space of ten years from the passing of this act, complete the same canal and navigation, so as to open an easy and safe water communication from the river Schuylkill to the river Delaware, which canal or water shall be of the depth of three feet and of the width of at least twenty-four feet, then, and in either of those cases, it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights, liberties and privileges hereby granted to the said company.

Passed April 10, 1792. Recorded L. B. No. 4, p. 532, etc.

CHAPTER MDCXLVIII.

AN ACT TO REQUIRE OF THE OFFICERS IN THE DIFFERENT DEPARTMENTS OF THE STATE AN ACCOUNT OF THE FEES THEY SEVERALLY CHARGE IN THEIR OFFICES.

Whereas it is necessary that measures be taken to furnish the legislature with an exact statement of the fees received in the several civil offices of this commonwealth, to the intent that a well regulated fee bill may be prepared.

[Section I.] (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That on or before the first Tuesday of December next, each and every of the respective officers of this state, who are entitled to receive fees of office; that is to say, the secretary of the commonwealth, the attorney general, the officers of the land office, the master of the rolls, the prothonotary of the supreme court and prothonotaries of the several courts of common pleas, and the clerks of the courts of oyer and terminer, of the courts of quarter sessions of the peace, and of orphans' and registers' courts, the registers of wills and recorders of deeds, the justices of the peace, notaries public, attorneys at law, sheriffs, coroners, and commissioners of bankruptcy, shall transmit to the governor of this commonwealth a particular statement of the several services for which they are entitled to demand and receive fees, and for which they respectively tax and allow fees for subordinate officers, and of the fees of office which they respectively charge and receive, tax or allow for the performance of their respective duties, together with the several particulars for which those several charges are made, in order that the same be laid before the next general assembly.

Passed April 10, 1792. Recorded L. B. No. 5, p. 1. See note to Chapter 398; and Act establishing explicit fee bill passed April 20, 1795, Chapter 1863.

CHAPTER MDCXLIX.

AN ACT TO EMPOWER THE COMMISSIONERS OF FAYETTE COUNTY TO
RAISE A FURTHER SUM OF MONEY FOR THE PURPOSE OF ERECT-
ING PUBLIC BUILDINGS FOR THE USE OF THE SAID COUNTY.

Whereas it is represented to the general assembly, that the sum of money which the commissioners of Fayette county were, by a former law, empowered to raise, for the purpose of erecting public buildings for the use of the said county, is not sufficient for that purpose.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the commissioners of the county of Fayette, or a majority of them, be, and they are hereby empowered to assess and levy such further sum of money, as the trustees appointed for that purpose by an act, entitled "An act for erecting part of the county of Westmoreland into a separate county."¹ passed on the twenty-sixth day of September, one thousand seven hundred and eighty-three, or a majority of such of the said trustees as are yet residing within the boundaries of said county, shall judge necessary for building a court house, sufficient to accommodate the public service of the said county. Provided, That the sum of money so to be raised does not exceed nine hundred pounds, exclusively of the sum of money, which, by the above mentioned act, the commissioners of the said county were empowered to raise for that purpose.

Passed January 19, 1793. Recorded L. B. No. 5, p. 25, etc.

¹ Chapter 1056.

CHAPTER MDCL.

AN ACT TO REVIVE CERTAIN POWERS IN THE JUSTICES OF THE SUPREME COURT, AND TO VEST SIMILAR POWERS IN THE JUDGES OF THE SEVERAL COURTS OF COMMON PLEAS IN THIS COMMONWEALTH.

Whereas a certain act of general assembly passed on the twenty-eighth day of March, one thousand seven hundred and eighty-six, entitled "An act to empower the justices of the supreme court to supply defects in the titles to lands, occasioned by the loss of deeds or writings respecting the same, or where they have been defaced or rendered illegible by time or accident,"¹ has expired by its own limitation: And whereas the said act has been found beneficial, and a revival of the several provisions thereof, with an extension of the powers therein mentioned to the several courts of common pleas, cannot fail to prove advantageous to the interests, and conducive to the convenience, of the inhabitants of the commonwealth: Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, that the act, entitled "An act to empower the justices of the supreme court to supply defects in the titles to lands, occasioned by the loss of deeds or writings respecting the same, or where they have been defaced by time or accident," and every clause, matter and thing therein contained, excepting only the fifth section thereof, is hereby revived in as full and ample a manner, as if the same was herein and hereby particularly mentioned, set forth and re-enacted.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That from and after the passing of this act, the judges of the several courts of common pleas

¹Chapter 1221.

within this commonwealth, shall have, use and exercise, within their respective counties, all and every the powers, which in the said recited act were vested, and by this act are revived in the justices of the supreme court, and shall, in all respects, proceed in a like manner touching the same, excepting, only, that the advertisements of notice in any such proceeding before any of the said courts of common pleas, shall be in such public newspaper as may be published nearest to the court house of such county, as well as in some of the public newspapers of the city of Philadelphia, and that the costs in such proceedings shall be taxed by the said court, or one of the judges thereof, agreeably to the rate of fees allowed for similar services in the same court, or as nearly so as circumstances will admit.

[Section III.]. (Section III, P. L.) And be it further enacted by the authority aforesaid, That the records and proceedings made and had in the court of common pleas aforesaid, or a copy thereof, authenticated under the hand of the prothonotary and the seal of the court, may and shall, at all times thereafter, be read upon any trial or controversy respecting the lands, tenements, hereditaments or possessions described or mentioned in such bill or petition, and shall be taken and allowed as good and sufficient evidence of the facts so decreed and established, any law, usage or custom to the contrary notwithstanding.

Passed January 19, 1793. Recorded L. B. No. 5. p. 26. etc.

CHAPTER MDCLI.

AN ACT TO CHANGE THE PLACE OF HOLDING THE ANNUAL ELECTION IN THE FIFTH ELECTION DISTRICT IN THE COUNTY OF BEDFORD.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted

by the authority of the same, That, from and after the passing of this act, the freemen of the fifth district in the county of Bedford, shall meet and hold their annual election at the house now occupied by John Shoff, in Milford township, in the county aforesaid, any former law to the contrary in anywise notwithstanding.

Passed January 24, 1793. Recorded L. B. No. 5, p. 28.

CHAPTER MDCLII.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT TO SECURE THE PERSONS EMPLOYED IN THE BUILDING AND FITTING SHIPS AND VESSELS FOR SEA, BY MAKING THE BODY, TACKLE, APPAREL AND FURNITURE OF SUCH SHIPS AND VESSELS, LIABLE TO PAY THE SEVERAL TRADESMEN EMPLOYED IN BUILDING AND FITTING THEM, FOR THEIR WORK AND MATERIALS."

Whereas in and by an act of the general assembly of this commonwealth, passed the twenty-seventh day of March, in the year of our Lord, one thousand seven hundred and eighty-four, entitled "An act to secure the persons employed in the building and fitting ships and vessels for sea, by making the body, tackle, apparel and furniture of such ships and vessels, liable to pay the several tradesmen employed in building and fitting them, for their work and materials,"¹ a sufficient and ample remedy was provided for such tradesmen in the court of admiralty of this commonwealth, and experience has proved the necessity of such remedy; and whereas the court of admiralty of this commonwealth no longer exists, and the said act cannot now be carried into effect in any of the courts of this state, or of the United States:

[Section I.] (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the libel authorized

¹Chapter 1088.

²See Ante.

by the third section of the act, entitled "An act to secure the persons employed in the building and fitting ships and vessels for sea, by making the body, tackle, apparel and furniture of such ships and vessels, liable to pay the several tradesmen employed in building and fitting them, for their work and materials,"² passed the twenty-eighth day of March, in the year of our Lord, one thousand seven hundred and eighty-four, to be filed in the court of admiralty of this state, may be filed in the office of the prothonotary of the court of common pleas of and for the county wherein the cause of action hath arisen, or shall arise, or in any other county within this state, in all cases by the said act provided for, and thereupon such prothonotary shall cause to be issued a writ, in the nature of a writ of attachment, to be devised by the president of such court, and to be directed to the sheriff of the county, commanding him to arrest, attach and detain such ship or vessel, her tackle, apparel and furniture, to answer the complaint in such libel to be contained, and thereupon the process and proceedings shall be such and the same, and the said court of common pleas shall be, and is hereby, authorized to take the same stipulation, and to pronounce the same interlocutory and final sentence, decree and judgment upon the said libel, and upon any petition of other person or persons concerned, and to enforce the same, by any writ or writs or other compulsory process, to be devised by the president of such court, in like manner, varying the forms as much as shall be proper, as in and by the act of the general assembly, to which this is a supplement, the said court of admiralty was authorized to proceed in like cases. Provided always, nevertheless, That where, in any of the cases occurring under the said act or this act, questions of fact shall arise, an issue or issues be joined by the parties, their attorneys or counsel, under the direction of the court, and shall be tried by a jury of the county forthwith, as in such courts is usual and customary in other disputed facts, unless the parties shall agree to refer the matters in variance by rule of court, as usual in other cases in the said courts.

Passed February 9, 1793. Recorded L. B. No. 5, p. 28, etc.

CHAPTER MDCLIII.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT TO PROVIDE FOR THE PAYING AND REDEEMING CERTAIN PUBLIC DEBTS, AND FOR DEFRAYING THE EXPENSES OF GOVERNMENT."

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the holder and holders of all and every of the different denominations of certificates and bills of credit for the payment, redemption and discharge of which provision is made in the second section of the act, entitled "An act to provide for paying and redeeming certain public debts, and for defraying the expenses of government,"¹ passed on the tenth day of April, one thousand seven hundred and ninety-two, shall be entitled to have and receive the value of the said certificates and bills of credit, at and after the rates respectively in the second section of the above mentioned act, mentioned and declared, together with the interest that may appear due thereon, according to the provisions of the said act, and the holder and holders of all and every of the certificates, commonly called "Unfunded depreciation certificates," shall be entitled to have and receive the nominal value thereof, and of the interest due thereon at the time of passing this act; and the said holder and holders of certificates and bills of credit shall respectively receive the value of the principal and interest of the same, at the rates here above declared, in the following manner; that is to say, the said holder or holders of certificates, upon depositing with the register general his, her, or their respective certificate or certificates, which certificate or certificates shall be examined

¹ Chapter 1646.

and discharged in the same manner as was provided by the fifth section of the above mentioned act; and the said holder or holders of bills of credit, upon depositing the same with the state treasurer, who shall discharge, reserve, and set apart the said bills, according to the provisions of the eighth section of the above mentioned act. Provided always, nevertheless, That the holder and holders of any of the different denominations of certificates or bills of credit aforesaid, which are subscribable to the loan proposed by congress to the state creditors, by the act, entitled "An act supplementary to the act for making provision for the debt of the United States," passed the eighth day of May, one thousand seven hundred and ninety-two, shall be entitled to have and receive the value of such certificates or bills of credit, at and after the rates hereinabove mentioned, upon this condition, and not otherwise, that they shall and do subscribe to the said loan, and thereupon, on or before the tenth day of March next, transfer to the state treasurer, for the use of the commonwealth, each and every the certificate and certificates, which they shall receive from the United States, in consequence of such subscriptions. And provided also, That the holder or holders of any of the different denominations of certificates or bills of credit aforesaid, which are not subscribable to the above mentioned loan proposed by congress to the state creditors, shall apply for the payment of the same on or before the first day of January, in the year of our Lord one thousand seven hundred and ninety-five; and if any of the said holder or holders shall fail to apply before that time, all certificates or bills of credit of the said denominations, not brought in for redemption, shall not afterwards be redeemed, but the same shall be, and are hereby, declared to be, for thenceforth, irredeemable.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That from and after the passing of this act, the receiver general of the land office shall not receive, in payment for lands, any of the denominations of certificates or bills of credit, for the payment, redemption and discharge of which provision is made by this act. Provided, That nothing herein contained, shall be construed so as to

prevent the said receiver general to carry to the credit of any person or persons, in payment for lands, any balance or balances that may appear to be due according to the provisions of the act, entitled "An act to authorize the receiver general of the land office to carry moneys received into that office since a given period, for lands sold, and which have not been nor shall be secured for the purchasers, to the credit of such purchasers, or their assigns, in payments already due, and hereafter to become due, to the commonwealth, for the purchase of any lands within the same,"² passed on the twenty-ninth day of March, one thousand seven hundred and ninety-two.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the state treasurer shall discharge the moneys which he is directed to pay by the first section of this act, out of the aggregate fund created by the above mentioned act, passed on the tenth day of April, one thousand seven hundred and ninety-two.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the state treasurer is hereby authorized and directed to subscribe in the name of the commonwealth of Pennsylvania, to the loan proposed by the act of congress aforesaid, to the creditors of the United States, all the bills of credit, the property of the commonwealth, which are subscribable to the said loan.

Passed February 9, 1793. Recorded L. B. No. 5, p. 30, etc. Supplementary act passed April 22, 1794; Chapter 1775.

CHAPTER MDCLIV.

AN ACT FOR THE RELIEF OF JOHN ALEXANDER, SO FAR AS RELATES TO THE IMPRISONMENT OF HIS PERSON.

Whereas it appears that John Alexander, having been impleaded at the suit of the commonwealth, upon a recognizance

² Chapter 1613.

entered into by him, was, on or about the twentieth day of July, one thousand seven hundred and ninety-two, surrendered by his bail, and is now in actual confinement in the gaol of the city and county of Philadelphia; and the said John Alexander, being unable to satisfy the said debt, hath humbly petitioned the legislature that an act may be passed, extending to him the benefit of the laws for the relief of insolvent debtors.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be lawful for the court of common pleas, upon the petition of the said John Alexander, to discharge him from imprisonment, in the like manner, and upon the like terms and conditions, as in and by the several laws of this commonwealth, for the relief of insolvent debtors, not indebted to the commonwealth, is provided.

Passed March 6, 1793. Recorded L. B. No. 5, p. — (not given).

CHAPTER MDCLV.

AN ACT TO CONFIRM DANIEL LEET'S SURVEY OF A TOWN AND OUT-LOTS AT THE MOUTH OF BEAVER CREEK, AND TO SUPERSEDE THE POWERS HERETOFORE GIVEN TO CERTAIN COMMISSIONERS FOR SUPERINTENDING THE SAID SURVEY.

Whereas in and by an act of the general assembly of this commonwealth, entitled "An act to empower the governor to lay out a town and out lots at the mouth of Beaver creek, for the uses therein mentioned,"¹ passed on the twenty-eighth day of September, in the year one thousand seven hundred and ninety-one, it is, among other things, provided, that the said town and out lots shall be laid out, or caused to be laid out, by the surveyor general, in such manner as commissioners appointed by the governor shall direct. And whereas the surveyor general deputed and authorized Daniel Leet, one of the

¹ Chapter 1600.

deputy surveyors, to lay out the said town and lots, but the said commissioners not being able to attend, the said Daniel Leet surveyed and laid the same out in their absence, and without their direction; and whereas the survey so made by the said Daniel Leet corresponds with the original design and has received the approbation of the general assembly: Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Daniel Leet shall return the survey of a town and out lots at the mouth of Beaver creek, by him made, to the surveyor general, and the same shall thereupon be deemed and taken to be as valid and effectual, to all intents and purposes, as if it had been made in the presence, and by the direction, of the commissioners appointed by the governor, in pursuance of an act, entitled "An act to empower the governor to lay out a town and out lots at the mouth of Beaver creek, for the uses therein mentioned,"² passed on the twenty-eighth day of September, in the year one thousand seven hundred and ninety-one; and the governor shall proceed to make sale of the town lots and out lots contained in said survey, and grant conveyances therefor, in the same manner, and under the same regulations, exceptions and reservations, as are prescribed in the said recited act of the general assembly.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That so much of the aforesaid recited act, as authorizes the governor to appoint commissioners for the purposes therein mentioned, and the powers and authority of the said commissioners, appointed in pursuance thereof, shall henceforth cease, determine, and be forever void.

² See Anta.

Passed March 6, 1793. Recorded L. B. No. 5, p. — (not given).

CHAPTER MDCLVI.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT TO REGULATE THE TRIALS OF CONTESTED ELECTIONS."¹

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That in all contested elections of a governor, or member of either branch of the legislature of this commonwealth, the person returned, and the candidate next highest in votes, shall be the parties in the trial thereof; and in case of the absence or neglect of such person next highest in votes, any one of the petitioners, duly qualified, who have signed the petition against such election, taking precedence according to the order in which they have signed the same, shall be considered as one of the parties.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That if either or both of the parties shall neglect to attend, for the purpose of objecting to and striking from the names drawn in pursuance of the provisions of the first and second sections of an act, passed on the twenty-ninth day of September, one thousand seven hundred and ninety-one, entitled "An act to regulate the trials of contested elections,"¹ the members of the senate and of the house of representatives jointly, or the members of either house separately, as the case may require, shall appoint one of their own number, in the place of either or both of the said parties so neglecting to attend, which member or members, so as aforesaid appointed, shall have full power and authority to do and perform every act and thing touching the same, in as valid and effectual a manner, as if the party or parties were personally present.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That no order shall be taken on

¹Chapter 1585.

any petition, unless the same is accompanied by a certificate from the treasurer, prothonotary, or any of the commissioners of the county or counties in which the petitioners reside, setting forth that the said petitioners, or as many of them as are required by the law to which this is a supplement, were, at the time of signing such petition, duly qualified electors.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That all witnesses sent for and attending the trial of contested elections, shall be allowed six cents for every mile of the distance necessarily traveled by them, in coming to and returning from the place of such trial, and shall be allowed the sum of one dollar and thirty-three cents for every day they may be detained at the place of such trial, which mileage and expenses, as well as the expense of summoning the said witnesses, shall be taxed by the said committee appointed to try the election, and certified by their chairman to the speaker of one or both houses, as the case may require, and the amount thereof, the same being first approved by the house or houses to which such certificate is made, shall be paid by the treasurer of the county in which the facts complained of in such petition had taken place, on orders drawn by the speaker of either or both houses, as the case may require.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That committees appointed in pursuance of the provisions of the act to which this is a supplement, shall in all cases have power, not only to determine on the validity of contested elections, but also to decide which of the candidates has the greatest number of legal votes, which candidate shall thereupon be entitled to the seat or office, which he had been voted for at such elections.

(Section VI, P. L.) And whereas a contest has arisen respecting the last election of representatives for the county of Dauphin, and sundry expenses have been incurred in obtaining the testimony and conducting the trial respecting the said election: Therefore:

[Section VI.] Be it further enacted by the authority aforesaid, That the expenses incurred on the trial of the said con-

tested election, shall be paid, in all respects, agreeably to the rates set forth in the fourth section of this act.

Passed March 6, 1793. Recorded L. B. No. 5, p. (not given).

CHAPTER MDCLVII.

AN ACT TO AUTHORIZE TRUSTEES TO RECEIVE, FOR A LIMITED TIME, THE TOLL THEREIN MENTIONED, FROM TRAVELERS AND OTHERS GOING OVER THE BRIDGE ERECTED OVER CONOSTOGOE CREEK, IN LANCASTER COUNTY, WHERE MARTICK FORGE ROAD CROSSES THE SAME.

Whereas it hath been represented to the legislature, by the petition of John Miller, Adam Weaver, John Swenk, and John Miley, on behalf of themselves and others interested, that they have erected a bridge over Conostogoe creek, where Martick Forge road crosses the same, in the county of Lancaster, which hath been found very beneficial to the interests of the surrounding country; and for the purpose of defraying the expenses thereof, and also of raising a competent fund to keep the same in repair, they have petitioned the legislature, that an act may be passed, authorizing them to receive a reasonable toll from passengers over the said bridge, until the above mentioned purposes are accomplished; and it appears proper that the prayer of their petition should be granted: Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be lawful for John Miller, Adam Weaver, John Swenk, and John Miley, the survivors and survivor of them, and such persons as shall be appointed, in manner hereafter directed, to act as trustees, to demand and receive from travelers, and others, toll for passing over a bridge erected over Conostogoe creek, where Martick Forge road crosses the same, in the county of Lancas-

ter, according to the following rates; for every coach, chariot, phaeton, loaded wagon, or other four-wheeled carriage, the sum of twelve cents; for every empty wagon, chaise, riding chair, cart, or other two-wheeled carriage, the sum of six cents; for every sled or sleigh, the sum of six cents; and for every single horse and rider, the sum of two cents; for every foot passenger, and for every head of horned cattle, sheep or swine, the sum of an half cent. Provided always, That no toll or price for passage across the said bridge be demanded or received, after a sum sufficient to defray the expenses of erecting, superintending and keeping the same in repair, together with interest on the sum originally expended, and also the further sum of one thousand three hundred and thirty-three dollars and thirty-three cents, for keeping the same hereafter in repair shall have been raised. And provided also, That all poor persons, exempted from the payment of taxes, shall have liberty to pass and repass the said bridge toll free.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That if the said John Miller, Adam Weaver, John Swenk, and John Miley, or any one of them, or any other person or persons, who shall be hereafter qualified and empowered to act as a trustee or trustees for the said bridge, shall demand or receive any other or greater rates or prices for passage over the same, than are hereinbefore specified, or shall demand or receive any rate or price for passage over the same, after it shall have been declared a free bridge, in manner hereafter directed, or shall neglect to keep the said bridge in good repair, he or they, so offending, shall, for every such offence, forfeit and pay the sum of twenty-six dollars, one moiety to the poor of the townships of Lancaster and Lampeter, in the county of Lancaster, in equal portions, and the other moiety to the party complaining, or who may sue for the same, to be recovered before any justice of the peace of the said county, who is hereby empowered, on information made to him, on oath or affirmation, of any such offence, to issue his summons or warrant to any constable of the county, commanding him to bring, or cause every person against whom such information shall be

made to come before him, and, on due proof of the said offence, to convict such person thereof, and on such conviction, issue his warrant, after the expiration of five days from the date of such conviction, to any such constable, to levy the said sum of money on the goods and chattels of such offender, by distress and sale thereof; and in case no goods or chattels of the said offender can be found, on which to make such distress, then to take his body and commit him to the gaol of the county where such offence is committed, until the said sum be paid. Provided always, That any person as aforesaid convicted, who shall find himself aggrieved thereby, may, within the same five days, appeal to the next court of quarter sessions for the county, which appeal, on giving security within the said time before the said justice, by two sufficient freeholders of the county, to pay all costs, shall be allowed; and if the conviction so made by the said justice shall be confirmed, the said justice shall proceed to levy the said forfeiture, in manner hereinbefore directed. And provided, also, That no suit or action shall be brought, unless the same is brought within two months after the offence is committed.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That for preserving a succession of trustees to have the care and management of the said bridge, it shall be lawful for the court of quarter sessions of the peace for the county of Lancaster, and they are hereby required, so often as a vacancy shall happen in the number of the said trustees, by death, inability, refusal to act, or removal from the said county of Lancaster, to appoint other trustees from among the inhabitants of the said county, resident within five miles from the said bridge, so that the whole number of the said trustees shall never exceed four, nor be less than two; and the said court shall be, and they are hereby authorized and required, from time to time, not oftener than once in six calendar months, to appoint three auditors to examine and settle the accounts of the said trustees, which auditors, or any two of them, shall have the like powers and authorities, so far as relates to the purpose herein mentioned, and be entitled to the like compensations, as the auditors

appointed by virtue of the act, entitled "An act to provide a more effectual method of settling the public accounts of the commissioners and treasurers of the respective counties,"¹ passed the thirtieth day of March, one thousand seven hundred and ninety-one, save only so far as the said act relates to the court of common pleas; and the said trustees, for the time being, shall have the like remedy, by appeal, from any settlement to be made by the said auditors, as in and by the said act is afforded to the county commissioners and treasurers, save only, that such appeal shall be made to, and tried in, the said court of quarter sessions.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That when it shall appear to the said court of quarter sessions, that the said sum of one thousand three hundred and thirty-three dollars and thirty-three cents, exclusive of the original costs and interest, current repairs, and expenses of the said bridge, hath been raised by means of the said toll, they shall forthwith, by public advertisement inserted in one of the newspapers printed in the borough of Lancaster, declare the said bridge to be free of toll; from and after which time the powers and duties of the said trustees shall be continued, for the purpose of managing and receiving the said fund, and applying the proceeds thereof to keeping the said bridge in repair; and the said trustees for the time being shall, from time to time, with the approbation of the said court of quarter sessions, vest the said sum of money appropriated for the future repairs of the said bridge, in good landed securities, so that the interest thereof shall be regularly applied to the said repairs, when occasion shall require.

[Section V.] (Section V. P. L.) And be it further enacted by the authority aforesaid, That it shall be lawful for the said court of quarter sessions to allow to the said trustees, for the time being, such sum, for their attendance and services in managing the transactions and concerns relative to the said bridge, not exceeding one dollar per day, as to the said court shall appear reasonable.

¹ Chapter 1543.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the compensations to be allowed, by virtue of this act, to trustees and auditors, shall be paid out of the moneys arising from the toll received at the above mentioned bridge.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the aforesaid John Miller, Adam Weaver, John Swenk and John Miley, shall present, upon oath or affirmation, to the court of quarter sessions for the county of Lancaster, on or before the next May term, the account of the expenses heretofore incurred in erecting the said bridge, which account, if confirmed by the said court, shall be held to contain the sum justly due to them, and to be repaid to them by the profits of the toll aforesaid, with interest, from the period fixed by the said court, to the time of payment. Provided always, That the said John Miller, Adam Weaver, John Swenk, and John Miley, or the other trustees to be appointed by virtue of this act, shall be accountable to the several subscribers, who have paid any sums of money for the purpose of erecting the said bridge, for the several sums thus paid, and shall repay the same, with the interest thereof, as they shall be enabled so to do, out of the moneys arising from the toll received at the said bridge.

Passed March 6, 1793. Recorded L. B. No. 5, p. (not given).

CHAPTER MDCLVIII.

A SUPPLEMENT TO AN ACT, ENTITLED "AN ACT TO PROVIDE A MORE EFFECTUAL METHOD OF SETTling THE PUBLIC ACCOUNTS OF THE COMMISSIONERS AND TREASURERS OF THE RESPECTIVE COUNTIES."¹

Whereas, in and by an act of assembly passed the twentieth day of February, Anno Domini one thousand seven hundred and sixty-eight, entitled "An act for raising by way of lottery

¹ Passed March 30, 1791, Chapter 1543.

the sum of five thousand two hundred and fifty pounds, for purchasing a public landing in the Northern Liberties, and paving the streets in the city of Philadelphia,"² it was enacted that the commissioners of the county of Philadelphia, in trust for the public, by and with the consent and approbation of the justices of the peace of the said county, in their court of quarter sessions, should, and they were thereby required and enjoined to buy a landing, nearly opposite the barracks in the Northern Liberties, and receive the deeds thereof, in trust for the public, to let out the same, and also the landing place at the end of Callowhill street, for the purposes of improving the same from time to time, as the commissioners and justices, or a majority of them, should judge most for the public good: And whereas there are no directions in the said act how, or to whom, said commissioners, as trustees aforesaid, are to exhibit their accounts of the rents received, or the disbursements made on account of the said landings: And whereas the auditors appointed by the court of common pleas for the county of Philadelphia, in pursuance of the act to which this is a supplement, to audit and settle the public accounts of the commissioners and treasurers, by the eleventh section of the said act are restrained from the settling the accounts of the county commissioners and treasurers, prior to the first day of January, Anno Domini, one thousand seven hundred and seventy-six: And whereas the accounts of the said landings commence at an earlier period, and no settlement of them hath yet been made, and it is just and necessary that those accounts should be audited and settled: Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the auditors appointed by the court of common pleas in the county of Philadelphia, in pursuance of the act to which this is a supplement, or any two of them shall, and they are hereby authorized, empowered and required to audit, adjust and settle all the accounts relative to the public landings in the Northern Liberties, and the

² Chapter 575.

hay scales built on one of the said landings, to the best of their skill and ability, from the twentieth day of February, one thousand seven hundred and sixty-eight, until the first day of January, Anno Domini, one thousand seven hundred and ninety-three.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said auditors shall have, and they are hereby vested with the same power and authority to do all things, touching the business in this act mentioned, as is given to them touching the business in the said act, to which this is a supplement, in as full and ample a manner, as if the said act was herein particularly recited.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said auditors, or any two of them, shall, within six months from the passing of this act, make report to the court of common pleas of the county of Philadelphia, of the balances due, and in whose hands the same may be, which report shall be filed among the records of the said court, and have the same effect, and be in the same manner appealed from and decided on, as mentioned in the fifth section of the act, to which this is a supplement.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That each of the said auditors shall be allowed one dollar and thirty-three cents, for each day which they may be employed on the aforesaid business, which shall be paid by the said commissioners, as trustees aforesaid, out of the moneys which may be in their hands, arising from the rents and profits of the said landings and hay scales.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the auditors hereafter appointed, agreeably to the directions of the first section of the act, to which this is a supplement, shall have full power and authority to settle the accounts of the commissioners of the preceding year, respecting the said public landings and hay scales, in the same manner, and subject to the same provisions, as by the said act is directed respecting the other accounts of the said commissioners.

Passed March 6, 1793. Recorded L. B. No. 5, p. (not given).

CHAPTER MDCLIX.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT TO AUTHORIZE THE RECEIVER GENERAL OF THE LAND OFFICE TO CARRY MONEYS RECEIVED INTO THAT OFFICE SINCE A GIVEN PERIOD, FOR LANDS SOLD, AND WHICH HAVE NOT BEEN NOR SHALL BE SECURED TO THE PURCHASERS, TO THE CREDIT OF SUCH PURCHASERS, OR THEIR ASSIGNS, IN PAYMENTS ALREADY DUE, AND HEREAFTER TO BECOME DUE, TO THE COMMONWEALTH, FOR THE PURCHASE OF ANY LANDS WITHIN THE SAME."¹

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the second section of the act, entitled "An act to authorize the receiver general of the land office to carry moneys received into that office since a given period, for lands sold, and which have not been nor shall be secured to the purchasers, to the credit of such purchasers, or their assigns, in payments already due and hereafter to become due, to the commonwealth, for the purchase of any lands within the same,"¹ passed on the twenty-ninth day of March, one thousand seven hundred and ninety-two, as authorizes the allowance of interest upon the sum and sums of money, or balances, carried to the credit of any person or persons by virtue of the above mentioned act, from the time of the original payments to the time of the credit being applied for and made, shall be and the same is hereby declared to be repealed and made void.

[Section II.] Provided, nevertheless, and it is hereby further enacted by the authority aforesaid, That where such sum or sums of money have been paid, or such balances have become due, prior to the passing of this act, interest shall be allowed upon the said sum and sums of money, or balances, from the time of making the original payments, respectively, until the day of the passing of this act, and no longer.

¹ Chapter 1613.

[Section III]. (Section II, P. L.) And be it further enacted by the authority aforesaid, That from and after the first day of January, in the year of our Lord one thousand seven hundred and ninety-five, all and every person and persons, who shall not previously apply for and procure a credit to be entered in the books of the receiver general, for any such sum and sums of money, or balances aforesaid, shall be thenceforth forever barred and excluded from all claim, right or title thereto, and to every part and parcel thereof, and from any benefit or advantage which could or might have been obtained, by, from or under the said recited act, and all such sum and sums of money or balances and the right and claim thereto, shall thence become and be forever forfeited and canceled.

Passed March 6, 1793. Recorded L. B. No. 5, p. — (not given).

CHAPTER MDCLX.

AN ACT DIRECTING THE SALE OF CERTAIN ISLANDS IN THE RIVER SUSQUEHANNA.

Whereas it is represented to the general assembly, that there are certain islands in the river Susquehanna and the several branches thereof, the property of this commonwealth, and it appears convenient to dispose of the said islands:

[Section I.] (Section I, P. L.) Therefore, be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That upon application made by any person to the land office for a warrant of survey, to cause any island lying in the river Susquehanna, or in any of its branches, so far as such branches have been declared public highways, to be surveyed for the use of such applicant, it shall be lawful for the officers of the land office, and they are hereby directed to issue such a warrant, upon the conditions, and under the restrictions and limitations hereinafter mentioned. Provided, however, That no such warrant

shall issue, directing any of the aforesaid islands to be surveyed, which has been surveyed and returned in the surveyor general's office for the use of the late proprietaries, prior to the fourth day of July, one thousand seven hundred and seventy-six.

[Section II.] (Section II, P. L.) Be it further enacted by the authority aforesaid, That when any person shall apply as aforesaid, for any such island, he shall state whether any improvement has been made upon the same, and if any improvement has been made, he shall also state the nature of such improvement, and when, and by whom made, and no warrant shall issue, directing any island, thus improved, to be surveyed, except in favor of the person who has made such improvement, or in favor of his heirs or assigns, for the term of two years after the passing of this act; after the expiration of which term, warrants of survey may issue for such improved island, in favor of such person or persons who shall first apply for the same. And if any such warrant shall issue otherwise than aforesaid, it shall be deemed to have issued by surprise, and shall be of no avail in law, and the moneys paid for the same shall be forfeited forever to the commonwealth.

[Section III.] (Section III, P. L.) Be it further enacted by the authority aforesaid, That any such person, who may claim any such island or islands by virtue of his improvement, or of any other right, may enter a caveat, in the usual form, against any person or persons claiming the same, which caveat or caveats shall be decided upon by the board of property, in the same manner as in other cases where the said board have power to judge and determine.

[Section IV.] (Section IV, P. L.) Be it further enacted by the authority aforesaid, That the board of property shall, with the approbation of the governor, ascertain the just value of the islands, whether improved or not, that may be applied for as aforesaid, having regard to the soil, wood, and distance from the main land, and to the advantages that may be derived from the same in regard to fisheries. Provided, That

the lowest price by them fixed shall not be less than eight dollars by the acre.

[Section V.] (Section V, P. L.) Be it enacted by the authority aforesaid, That no warrant of survey shall issue for any of the said islands, unless the same is susceptible of cultivation, nor to any person whatever, unless he shall have paid the whole amount of the purchase money to the receiver general of the land office, nor shall any such warrant issue for any less quantity of land than the whole of any such island; and all sandbars and islands, not susceptible of cultivation, and not surveyed and returned into the surveyor general's office, for the use of the late proprietaries, prior to the fourth day of July, one thousand seven hundred and seventy-six, shall be and remain common highways forever.

[Section VI.] (Section VI, P. L.) Be it further enacted by the authority aforesaid, That when the purchaser shall have made full payment of all the purchase moneys of any such islands, it shall be lawful for the governor to grant him a patent, in the usual form of the land office, vesting the same in him, his heirs and assigns forever.

[Section VII.] (Section VII, P. L.) Be it further enacted by the authority aforesaid, That nothing in this act contained, shall be construed, or taken to bar or defeat any person or persons, bodies politic or corporate, of any just right, which he or they may have in or to any of the said islands; but that all and every such right shall be and remain of the like force and effect, as if this act had not been made.

Passed March 6, 1793. Recorded L. B. No. 5, p. (not given).

CHAPTER MDCLXI.

A SUPPLEMENT TO AN ACT DECLARING LITTLE LEHIGH AND POCO-POCO OR BIG CREEK, IN NORTHAMPTON COUNTY, PUBLIC HIGHWAYS.¹

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Penn-

¹ Passed April 3, 1792, Chapter 1623.

sylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Pocopoco or Big creek, in Northampton county, is hereby declared a public highway, from the falls thereof, inclusive, up to Jan Sherbantje's mill dam.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the owner or owners of the lands on the part of said creek hereby declared a public highway, who were, before the passing of this act, entitled to erect a dam or dams on the same, shall have liberty to erect a dam or dams across the said creek, and to maintain and keep the same in good repair forever. Provided always, That the said owner or owners forever do maintain and keep in good order, in a convenient part of said dam or dams, an opening of at least twenty-five feet wide, with a sloping way, through which rafts may at all times safely and conveniently pass.

[Section III.] And it is hereby expressly enacted and declared that, if the provisions and limitations before mentioned are not at all times duly attended to, and observed by the said parties respectively, then this enacting clause shall be void, and of no effect to the party or parties so neglecting, anything herein contained notwithstanding.

Passed March 6, 1793. Recorded L. B. No. 5, p. (not given).

CHAPTER MDCLXII.

AN ACT FOR THE RELIEF OF THE REPRESENTATIVE OF JOHN HERSH.

Whereas it has been represented to the legislature, that John Hersh, a soldier in the Pennsylvania line, deceased, lost a certificate for the depreciation of his pay, number two hundred and fifty-nine, for the sum of sixty pounds seventeen shillings and seven pence.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted

by the authority of the same, That the legal representative of John Hersh, deceased, formerly a soldier in the late Pennsylvania line, shall, on the first day of March, one thousand seven hundred and ninety-five, be entitled to receive in specie, from the treasury of this commonwealth, the amount of the principal sum of a certificate, number two hundred and fifty-nine, issued to the said John Hersh, for the sum of sixty pounds seventeen shillings and seven pence, for the depreciation of his pay, together with all the interest, which shall appear to be due on the aforesaid principal sum of sixty pounds seventeen shillings and seven pence, until the first day of August, one thousand seven hundred and ninety-two; and the treasurer, for the time being, is hereby authorized and directed to pay the same interest, as well as principal, of the sum aforesaid, to the legal representative of the said John Hersh, out of the funds which may then be appropriated to discharge claims of the same nature: Provided, That the said certificate shall not, on the first day of January, one thousand seven hundred and ninety-five, have been redeemed in any manner whatever by the state, nor have been subscribed to the loan of the United States.

Passed March 6, 1793. Recorded L. B. No. 5, p. (not given).

CHAPTER MDOLXIII.

AN ACT TO AUTHORIZE THE COMMISSIONERS OF BANKRUPTCY TO PROCEED IN BUSINESS REMAINING UNFINISHED UNDER THE LATE BANKRUPT LAWS.

Whereas the act, entitled "An act for the regulation of bankruptcy," passed the sixteenth day of September, in the year of our Lord, one thousand seven hundred and eighty-five, is, by the limitation therein mentioned, now expired; and it being necessary to make some provision for carrying into effect and completing such business, as may have been commenced and proceeded upon by virtue of the said act, which yet remains unfinished.

¹Chapter 1183.

[Section I.] (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor of this commonwealth, and all and every of the commissioners and others, who, by virtue of the act, entitled "An act for the regulation of bankruptcy,"¹ passed the sixteenth day of September, in the year of our Lord, one thousand seven hundred and eighty-five, or of any supplement thereto, were authorized, enjoined, or required to do and perform any act, matter or thing, whatsoever, relating to the affairs of bankrupts, shall be, and they are hereby, authorized, enjoined and required to do and perform every act, matter and thing, according to the directions of the said act, and the supplement thereto, which may be necessary for the finishing and carrying into effect all proceedings, transactions or business, whatsoever, which may have been commenced and proceeded upon by virtue of the said act, or any supplement thereto, before the expiration of the same; and the governor, commissioners and others, for the purpose aforesaid, shall and may in all things proceed therein in the same manner and under the same regulations and restrictions, and be entitled to the same compensations, as fully and effectually as they might or could have done, if the said act had not expired.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That all proceedings had and done by the governor, commissioners, and others, under the said act, or any supplement thereto, since the expiration of the same, touching any business commenced and proceeded on as aforesaid, shall be, and the same are hereby declared to be as valid and effectual, as if the same were had and done by virtue of this act: Provided always, That nothing herein contained shall be deemed, construed or taken to make valid any proceedings upon any commission of bankruptcy, issued or taken out since the expiration of the act aforesaid

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That in all cases where a final dividend has not been made or declared on the effects of any

bankrupt, it shall and may be lawful for all persons having demands against such bankrupt, to prove the same before the commissioners, at any time previous to the first day of January next, and, upon such proof having been duly made, to have and receive a proportionable dividend of such bankrupt's effects: Provided, That no dividend already made or declared shall be thereby in anywise affected.

Passed March 22, 1793. Recorded L. B. No. 5, p. (not given).

Revived and continued by Act of April 18, 1794, Chapter 1746.

See the former Act regulating bankruptcy passed September 16, 1785, Chapter 1183. See also the Act continuing this Act passed April 18, 1794, Chapter 1746.

CHAPTER MDCLXIV.

AN ACT TO ENABLE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY FOR THE PURPOSE OF PROMOTING THE CULTIVATION OF VINES, AND FOR OTHER PURPOSES THEREIN MENTIONED.

Whereas it hath been represented by Peter Lagaux, that from actual experiments by him made, there is sufficient reason to believe that the cultivation of the vine, if properly encouraged, might be carried on with success in this commonwealth; and that several persons are ready and willing to enter into a subscription for the purpose of carrying on the cultivation of that plant, on a more extensive scale than has hitherto been attempted in this state, if the legislature would grant them a charter of incorporation. And whereas, such an object is highly deserving the patronage and encouragement of the legislature.

[Section I.] (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Samuel Miles,

Fench Francis, John Swanwick, Timothy Pickering, and Israel Whelen, be, and they are hereby appointed commissioners, to do and perform the several duties hereinafter mentioned, that is to say; they shall and may, on or before the twentieth day of April next, procure a book and therein enter as follows: "We, whose names are hereto subscribed, do promise to pay unto the president and managers of the company for promoting the cultivation of vines, the sum of twenty dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the said president and managers, in pursuance of an act of the general assembly of this commonwealth, entitled "An act to enable the governor of this commonwealth to incorporate a company for the purpose of promoting the cultivation of vines, and for other purposes therein mentioned." And the said commissioners shall thereupon give notice in the English and French languages in at least three of the English newspapers printed in the city of Philadelphia, and in the German language, in the German newspaper, published in the said city, for two weeks at least, of the time and place when and where the said book shall be opened to receive subscriptions as aforesaid: At which time and place, some three of the said commissioners shall attend for the space of six juridical days successively (if so long shall be necessary) and shall, on every such day, keep the said book open for at least three hours, and during such time receive the subscriptions of all persons, of lawful ability to contract, who, for themselves or for others (being thereto duly authorized) shall offer to subscribe in said book, and shall pay or tender, at the same time, to the said commissioners, the sum of ten dollars, as a deposit and part payment for every share so offered to be subscribed; and each person shall be at liberty to subscribe for any number of shares that he shall think proper, until the whole number of shares subscribed for shall amount to one thousand; and if, at the expiration of the said six days, there shall not be one thousand shares subscribed for on the said book, the said commissioners may adjourn from time to time, until the said number of shares shall be subscribed, of

which adjournment notice shall be given in at least one of the public newspapers printed at Philadelphia, and when the said subscriptions shall amount to the number aforesaid, then the said book shall immediately be closed; and if on that day and before the said subscriptions shall be declared to be full, application shall be made to subscribe more shares than will fill the said book, then the said commissioners shall apportion the whole number of shares unsubscribed, by proportionable deductions from the subscriptions for more shares than one, so as it be done with the least fraction possible, and in case it cannot be done otherwise, to the satisfaction of the subscribers, then the shares so to be deducted shall be determined by lot.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That whenever the said subscription shall be filled to the amount of five hundred or more shares, the said commissioners shall return to the governor a full and perfect list of all the subscribers to the said stock, with the number of shares by them respectively subscribed, and the governor shall thereupon, by letters patent, under his hand and the seal of the commonwealth, create and erect the subscribers, and if the said subscriptions be not full at the time, then also those who shall afterwards subscribe, into one body politic and corporate, in deed and in law, by the name, style and title of "The President, Managers and Company for promoting the cultivation of vines;" and the said subscribers, so as aforesaid incorporated, shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock and the increase and profits thereof and of enlarging the same, shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same, from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement be found necessary to fulfil the intent of this act, and of purchasing for the purposes aforesaid, taking and holding to them and their successors and assigns, in fee simple, or any less estate, a piece of ground in any part of the state, in one or more parcels,

not exceeding in all one thousand acres, and all such other tenements and hereditaments as shall be necessary for them in the prosecution of their works, and of doing all and every other act, matter and thing, which a corporation or body politic may lawfully do.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the five persons first named in the said letters patent shall, as soon as conveniently may be, give notice in three of the public papers printed in the city of Philadelphia, whereof one shall be in the German language, of a time and place by them to be appointed, not less than fifteen days from the time of issuing the first notice, at which time and place the subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the said subscribers, by ballot to be delivered in person or by proxy duly authorized, one president, five managers, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company for one year, and until other such officers shall be chosen, according to such rules as shall be made for that purpose by the company convened; and shall and may make such by-laws, rules, orders and regulations not inconsistent with the constitution and laws of this commonwealth, as shall be necessary for the well ordering of the affairs of the said company, the same to alter and repeal at pleasure. Provided always, That no person or partnership shall have more than twenty votes at any such election, or in determining any question arising at such meeting, whatever number of shares he may be entitled unto.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That all shares of stock of the said company shall be transferrable by assignment, executed in person or by attorney, in presence of the president or treasurer of the company, in such form as the president and managers, or a majority of them, shall direct; subject, nevertheless, to all payments due or to grow due on every share so assigned.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That if any subscriber, after ninety

days' notice in two of the public newspapers printed in the city of Philadelphia, of the time and place appointed for the payment of any proportion or dividend of the said capital stock, shall neglect to pay such proportion at the place appointed, for the space of ten days after the day appointed, every such stockholder, or his assignee, shall forfeit the share or shares on which he shall be so in arrear to the company, who then may and shall sell the same to any other person or persons willing to purchase, for such price as can be obtained therefor.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That this act shall continue in force until the expiration of twenty years from the passing thereof, and from thence to the end of the next session of the general assembly and no longer; and that if the said company shall not, within three years after the passing of this act, proceed to planting and carrying on the cultivation of vines, according to the true intent and meaning of this act, then the aforesaid charter, and all and singular the rights, liberties, privileges and franchises, granted to the company by this act, shall cease, determine and become void; and at the expiration of their said charter, all and singular the estate and property, real, personal and mixed, which the said company shall then be seized or possessed of, shall be disposed of in such manner as they shall think fit, and the proceeds thereof divided among all such persons as shall then be possessed of shares or parts of shares in the stock thereof, in proportion to their respective interests.

Passed March 22, 1793. Recorded L. B. No. 5, p. (not given).

Supplement passed January 13, 1794, Chapter 1705. See Act of March 7, 1800, Chapter 2121, reviving and amending.

CHAPTER MDCLXV.

AN ACT FOR ERECTING THE TOWNSHIP OF MIFFLIN AND PART OF ST. CLAIR TOWNSHIP, IN THE COUNTY OF ALLEGHENY, INTO A SEPARATE ELECTION DISTRICT, AND FOR OTHER PURPOSES.

Whereas the inhabitants of the township of Mifflin and part of St. Clair township, in the county of Allegheny, have by their petitions set forth that they labor under great inconveniences, on account of the distance they live from the place of holding their annual election, and also the difficulty of crossing the Monongahela river: For remedy whereof:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Mifflin township, and part of St. Clair township, in the county of Allegheny, beginning at the mouth of Beck's run on Monongahela river; thence up said river to James Perry's ferry; thence by Washington county line, to Chartier's creek; thence down said creek, to the house of John Bell; thence, in a direct line, by the house of Nicholas Bausman, to the place of beginning; shall from and after the passing of this act, be erected into a separate election district in the county aforesaid, called the fifth district in said county; and the freemen of the said fifth district, hereby erected, shall hold their annual elections at the house lately occupied by John Reed, stone mason, in Mifflin township, any law to the contrary notwithstanding

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That where any township or townships within this commonwealth hath or have been, or hereafter shall be divided, in forming any election district, the taxable inhabitants within each part of such divided township and townships, respectively, shall choose an inspector, who shall, within the part for which he is chosen, perform all and

singular the duties to the office of inspector belonging; and in order thereto, the commissioners of the proper county shall furnish the inspector and inspectors, so chosen, with a list of the taxable inhabitants within such divided township and townships, for which they are respectively chosen.

Passed March 22, 1793. Recorded L. B. No. 5, p. (not given).

CHAPTER MDCLXVI.

AN ACT TO PROVIDE FOR DISTRIBUTING THE LAWS OF THE UNITED STATES, AND CERTAIN LAWS OF THE COMMONWEALTH, AND FOR REPRINTING THE PROVINCIAL AND STATE LAWS, PASSED PRIOR TO THE SECOND DAY OF OCTOBER, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-ONE.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the secretary be, and he is hereby, empowered and directed to cause the thousand copies of the laws, which were printed and reserved for the use of the commonwealth, by virtue of the fifth section of the act, entitled "An act to provide for printing, publishing and distributing the laws of this commonwealth, and to direct a proper index to be made of the records of the executive department,"¹ passed on the fourth day of April, one thousand seven hundred and ninety-two, to be bound up and distributed in the following manner; that is to say, he shall deliver twenty-four copies to the clerk of the senate, eighteen of which shall be for the use of the members of the senate, respectively, and six for the use of the senate; seventy-five copies to the clerk of the house of representatives, sixty-nine of which shall be for the use of the members of the house of representatives, respectively, and six for the use of the house of representatives; to the president of the high court of errors and appeals, and to each judge thereof, not included in some other description in this act contained, one copy; and to the clerk of the said

¹ Chapter 1639.

court, one copy, for the use of the court when sitting; to the prothonotary of the supreme court, six copies, one thereof for each of the judges, one for the attorney general, and one for the use of the court when sitting; to the president and judges of the courts of common pleas of the several counties, each, one copy; to the clerk of the mayor's court, to the clerk of the court of quarter sessions for the county of Philadelphia, and to the prothonotaries of the several counties, for the use of the respective courts when sitting, each, one copy; to the secretary of the land office one copy; to the surveyor general, one copy; to the receiver general of the land office, one copy; to the comptroller general, one copy; to the register general, one copy; to the state treasurer, one copy; to the register of wills of the several counties, each, one copy; to the boards of county commissioners of the several counties, each one copy; to each of the aldermen of the city of Philadelphia, one copy; to each justice of the peace in the state, one copy; to the secreary of the state of the United States, one copy; to the attorney general of the United States, one copy; to the judge and attorney of the United States for the district of Pennsylvania, each one copy; to the secretary of the senate of the United States, for the use of the said senate, one copy; to the clerk of the house of representatives of the United States, for the use of the said house, one copy; to the executives of each state in the union, for the use of their respective legislatures, one copy; to the library company of Philadelphia, three copies; to every other library company in this commonwealth, consisting of not less than twenty persons, that now is or hereafter may be incorporated on or before the first day of January, one thousand seven hundred and ninety-five, each, one copy; and the remaining sets he shall retain in his own custody, subject to the orders of the legislature.

[Section II.] (Section II, P. L.) Be it further enacted by the authority aforesaid, That the governor be, and he is hereby empowered and directed to cause the public laws of Pennsylvania, passed prior to the second day of October, one thousand seven hundred and eighty-one, and now in force, to be published, with a proper index thereto, and the titles of

all the private laws, and laws which have expired by their own limitation, or have been repealed, together with the book and page wherein they are recorded in the rolls office, and to contract with any person or persons for that purpose, upon the most advantageous terms, reserving one thousand copies of the same for the use of the commonwealth, which shall be distributed in the same manner as is provided by the preceding section.

[Section III.] (Section III, P. L.) Be it further enacted by the authority aforesaid, That the governor be, and he is hereby authorized to employ a person of legal abilities, to collate the laws mentioned in the preceding section, who shall insert references from one act to another, and compose a full and sufficient index of the same.

[Section IV.] (Section IV, P. L.) Be it further enacted by the authority aforesaid, That the governor be, and he is hereby empowered and directed to purchase eight hundred octavo copies of all the laws of the United States, passed before the end of the present session of congress, and to cause them to be distributed in the following manner; that is to say, to the clerk of the senate, eighteen copies, for the use of the members of the senate respectively, and six for the use of the senate; to the clerk of the house of representatives, sixty-nine copies, for the use of the members of the house of representatives, respectively, and twelve for the use of the house of representatives; to the clerk of the high court of errors and appeals, to the prothonotary of the supreme court, to the prothonotaries of the several counties, to the clerk of the mayor's court, and to the clerk of the court of quarter sessions for the county of Philadelphia, each, one copy, for the use of their respective courts when sitting; to the judges of the supreme court, each, one copy; to the president and associate judges of the courts of common pleas of the several counties, each one copy; to each justice of the peace in the state, and to each alderman of the city of Philadelphia, one copy; and the remaining sets he shall retain in his own custody, subject to the orders of the legislature.

[Section V.] (Section V, P. L.) Be it further enacted by the authority aforesaid, That the copies of the laws of this commonwealth and of the United States, which, by this act, are directed to be distributed amongst the justices of the peace and the aldermen of the city of Philadelphia, shall be delivered to the prothonotaries of the several counties, and to the clerk of the mayor's court, respectively, and by them delivered to the said justices and aldermen, who shall give a receipt for the same, in which receipt a clause shall be inserted, obliging them, respectively, to deliver over the said copies to their successors in office.

[Section VI.] (Section VI, P. L.) Be it further enacted by the authority aforesaid, That the expenses necessarily incurred for carrying into effect the various provisions of this act, shall be paid out of the funds appropriated by law for the support of government.

Passed March 22, 1793. Recorded L. B. No. 5, p. (not given)
Supplementary Act passed March 23, 1797, Chapter 1935.

CHAPTER MDCLXVII.

AN ACT TO INCORPORATE THE SUBSCRIBERS TO THE BANK OF PENNSYLVANIA.

Whereas the establishment of a bank upon a foundation sufficiently extensive to answer the purposes intended thereby, and at the same time upon such principles as shall afford adequate security for an upright and prudent administration thereof, will promote the regular, permanent and successful operation of the finances of this state, and be productive of great benefit to trade and industry in general: Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That a bank of Pennsylvania shall be established at Philadelphia, the capital stock whereof

shall not exceed three millions of dollars, and shall be divided into shares of four hundred dollars; and the subscriptions towards constituting the said stock, shall, on the third day of June next, be opened at Philadelphia, for two thousand shares; at Lancaster, for three hundred shares, and at Reading for two hundred shares, under the superintendence of Samuel Howell, John Barclay, Clement Biddle, John Ross, Edward Fox, John Swanwick and George Meade, at Philadelphia, of Edward Hand, Robert Coleman, George Ross, Adam Reigart and Casper Shaffner, at Lancaster; and of James Deimer, Joseph Heister, James May, Jacob Bower and Thomas Dundas, at Reading; and a majority of the said commissioners at the places above mentioned, respectively, shall be sufficient to perform the duties of their appointment, and they shall keep the subscription open for at least the term of three days, and if not completed at the expiration of that term, then they shall keep the same open until the number of shares at the places above mentioned, respectively, shall be subscribed for and no longer, but if the subscription shall be filled at any time before the expiration of the said term of three days, then and immediately after the same shall be so filled, no person, copartnership, or body politic, shall, during the remainder of the term aforesaid, be permitted to subscribe for more than two shares.

[Section II.] And it is hereby expressly enacted, That all the subscriptions and the shares obtained in consequence thereof, shall be deemed and held to be for the sole and exclusive use and benefit of the persons, copartnerships, or bodies politic, respectively, or in whose behalf the subscriptions respectively shall be declared to be made at the time of making the same; and all bargains, contracts, promises, agreements and engagements in anywise contravening this provision shall be void; and the persons, copartnerships or bodies politic, respectively, so subscribing, or for whose use the subscriptions shall be declared to be made as aforesaid, shall have, enjoy and receive the share and shares, respectively, in consequence thereof obtained, and all the interest and emoluments thence arising, as freely, fully and absolutely as if they had severally

and respectively paid the consideration therefor, any such bargains, contracts, promises, agreements or engagements to the contrary thereof in anywise notwithstanding.

Provided, however, that no subscription shall be received at Lancaster and Reading during the two first days appointed for receiving the same, except in the name of a person or persons residing in some part of the state, other than the city and county of Philadelphia.

[Section III.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That it shall be lawful for any person, copartnership, or body politic, in person or by attorney, to subscribe for a share, or any number of shares not exceeding thirty, in any one day (except in the case above provided for, and except also as shall be hereinafter directed, relatively to the state of Pennsylvania, and the bank of North America); but in case the amount of the subscriptions, in any of the places above mentioned, shall exceed the number of shares there allowed to be subscribed, the excess thus created shall be reduced within the number of shares authorized to be subscribed at such places respectively, in the manner following; that is to say, from the subscription and subscriptions highest in amount, the proper commissioners shall subtract a share or shares, until the same be made equal to the subscription or subscriptions next highest in amount, and as often as the case shall require, they shall so proceed to subtract a share or shares from the subscription and subscriptions remaining, from time to time, highest in amount, until the aggregate of all the subscriptions be reduced to the number of shares authorized to be subscribed at the places above mentioned, respectively, and if, by and after the operation of such subtraction, (as often as the same shall be necessarily made and repeated as aforesaid) a greater number of shares may be allowed to one or more of the subscribers, than to the rest, or if the number of subscriptions shall eventually be greater than the number of shares authorized to be subscribed at the places above mentioned, respectively, so that at least one share cannot be allowed to each and every subscriber, then, and in either of the above cases, the proper commissioners shall

ascertain, by lot, in whom the greater number of shares, or the right of subscribing for and retaining one share (as the case may be) shall be vested, and the person and persons, in whose favor the lot may thereupon fall, shall be deemed, to all intents and purposes, the lawful subscriber and subscribers for such share and shares respectively, and the amount of the share and shares subscribed for (except in the case of the state of Pennsylvania hereinafter mentioned) shall be paid by the several respective subscribers in gold or silver, or in bank notes equivalent thereto, one-half thereof to the proper commissioners at the time of subscribing and the other half thereof in six months thereafter to the directors of the bank for the time being. Provided always, That it shall be lawful for any subscriber to pay the whole of his subscription money, or any greater part thereof, than is hereby required, before the time subscriber so paying in advance shall draw a proportional dividend on the profits and emoluments of the bank, computing said dividend from the first day of the month next succeeding such payments.

[Section IV.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the subscribers to the said bank, their successors and assigns, shall be, and are hereby created and made a corporation and body politic in law and in fact, by the name and style of "The President, Directors and Company of the Bank of Pennsylvania," and shall so continue until the fourth day of March, one thousand eight hundred and thirteen, and no longer; and by the name and style aforesaid, they shall be, and are hereby, made able and capable in law to have, purchase, receive, possess, enjoy and retain to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects of what kind, nature or quality soever, to an amount not exceeding in the whole five millions of dollars, including the amount of the capital stock aforesaid, and the same to sell, grant, demise, alien or dispose of; to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in courts of record, or any other place whatsoever; and also to make, have and use a common seal, and the same to break, alter and renew at their

pleasure; and also to ordain, establish and put in execution such by-laws, ordinances and regulations, as shall seem necessary and convenient for the government of the said corporation, not being contrary to the constitution and laws of this state, or of the United States, and for the making whereof general meetings of the stockholders shall and may be called by the directors, in the manner hereinafter specified; and generally to do and execute all acts, matters and things, which a corporation or body politic in law may or can lawfully do and execute, subject to the rules, regulations, restrictions, limitations and provisions hereinafter prescribed and declared.

[Section V.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That for the well ordering of the affairs of the said corporation, there shall be twenty-five directors, citizens of this commonwealth, elected yearly and every year, six of whom shall be elected by the legislature of this commonwealth; that is to say, three by the senate and three by the house of representatives; which election shall be held during the first session of each general assembly in the respective houses of the legislature, on such day as they shall respectively appoint, and the remaining nineteen directors shall be elected by the stockholders at a general meeting to be annually held at Philadelphia, on the first Monday of February, for that purpose, and the directors, at their first meeting after each election, shall choose one of their number as president. Provided, That the election of directors for the present year shall not be included in the above general regulation, but shall be held at the time and in the manner hereinafter specified. And provided, That in case it should at any time happen that an election of directors should not be made upon any day, when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful, on any other day within ten days thereafter, to hold and make an election of directors, in such manner as shall have been regulated by the laws and ordinances of the said corporation; and that in case of the death, resignation or absence from the state

of a director, his place shall be filled up by a new choice for the remainder of the year in manner aforesaid.

[Section VI.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That as soon as the subscription shall be closed and adjusted at Lancaster and Reading, the proper commissioners appointed at those places shall, respectively, transmit and deliver to the commissioners appointed in and for the city of Philadelphia, a list of the several subscribers at such places respectively, and of the share and shares to each and every subscriber belonging, together with the full amount of the subscription money by the commissioners respectively received, as aforesaid, for which amount the receipt, in writing, of the said commissioners appointed in and for the said city of Philadelphia, or of a majority of them, shall be a sufficient acquittance and discharge to the persons respectively paying the same; and as soon as the sum of four hundred thousand dollars, in the manner aforesaid, shall be actually received on account of the subscription to the said capital stock of the said bank, notice thereof shall be given by the said commissioners appointed in and for the city of Philadelphia, or a majority of them, in at least two public gazettes printed in the said city of Philadelphia, and the same persons shall, at the same time, in like manner, notify a time and place within the said city, at the distance of ten days from the time of such notification, for proceeding to the election of directors, and it shall be lawful for such election to be then and there made, and the nineteen persons who shall then and there be chosen, together with the six persons who shall be elected during the present session by the legislature; that is to say, three by the senate and three by the house of representatives in their respective houses, on such day as they shall for that purpose respectively appoint, shall be capable of serving by virtue of such choice until the first Monday of February next, or until their successors shall be duly elected in pursuance of this act; and the said directors shall forthwith thereafter commence the operation of the said bank at the said city of Philadelphia.

[Section VII.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the directors, for the time being, shall have power to appoint such officers, clerks, and servants under them, as shall be necessary for executing the business of the said corporation, and to allow them such compensation for their services, respectively, as shall be reasonable, and shall be capable of exercising such other powers and authorities for the well governing and ordering of the affairs of the said corporation as shall be described, fixed and determined by the laws and regulations of the same.

[Section VIII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the following rules, restrictions, limitations and provisions shall form and be fundamental articles of the constitution of the said corporation, viz.:

I. The number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold in the proportions following; that is to say, for one share, and not more than two shares, one vote for each share; for every two shares above two, and not exceeding ten, one vote; for every four shares above ten, and not exceeding thirty, one vote; for every six shares above thirty, and not exceeding sixty, one vote; for every eight shares above sixty, and not exceeding one hundred, one vote; and for every ten shares above one hundred, one vote; but no person, copartnership or body politic, shall be entitled, either in his own right or as proxy, to a greater number than thirty votes; and after the first election, no share or shares shall confer a right of suffrage, which shall not have been holden two calendar months previous to the day of election. All stockholders may vote in elections, or any other question touching the bank, by proxy, provided the proxy be derived directly from such stockholders, and be voted by a person being a citizen of this commonwealth.

II. Not more than fourteen of the directors elected by the stockholders and actually in office, exclusive of the president, shall be eligible for the next succeeding year; but the director

who shall be president at the time of an election may always be re-elected.

III. None but a stockholder being a citizen of the commonwealth of Pennsylvania, except in the case of the six directors to be elected by the legislature during the present session thereof as aforesaid, shall be eligible as a director. No director of any other bank shall be at the same time a director of this bank; nor shall the governor, the secretary of the commonwealth, any officer in the treasury department, in the offices of accounts, or in the land office of this state, any member of congress, or any person holding or exercising any office of trust or profit under the United States, be a director of this bank.

IV. No director shall be entitled to any emolument, unless the same shall have been allowed by the stockholders at a general meeting. The stockholders shall make such compensation to the president, for his extraordinary attendance at the bank, as shall appear to them reasonable.

V. Not less than thirteen directors shall constitute a board for the transaction of business, of whom the president shall always be one, except in case of sickness or necessary absence, in which case his place may be supplied by any other director whom he, by writing under his hand, shall nominate for that purpose.

VI. A number of stockholders not less than sixty, who, together, shall be proprietors of two hundred shares or upwards, shall have power at any time to call a general meeting of the stockholders for purposes relative to the institution, giving at least six weeks' notice in two public gazettes, of the place where the bank is kept, and specifying in such notice the object or objects of such meeting.

VII. Every cashier or treasurer, before he enters upon the duties of his office, shall be required to give bond, with two or more sureties, to the satisfaction of the directors, in a sum not less than fifty thousand dollars, with condition for his good behavior.

VIII. The lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall be only

such as shall be requisite for its immediate accommodation in relation to the convenient transacting of its business, and such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments, which shall have been obtained for such debts.

IX. The total amount of debts which the said corporation shall at any time owe, whether by bond, bill or note, or other contract, shall not exceed the sum of three millions of dollars, over and above the moneys then actually deposited in the bank for safe keeping, unless the contracting of any greater debt shall have been previously authorized by a law of the state. In case of excess, the directors, under whose administration it shall happen, shall be liable for the same in their natural and private capacities, and an action of debt may in such case be brought against them, or any of them, or their heirs, executors or administrators, in any court of record in this state or the United States, by any creditor or creditors of the said corporation, and may be prosecuted to judgment and execution, any condition, covenant or agreement, to the contrary notwithstanding; but this shall not be construed to exempt the said corporation of the lands, tenements, goods or chattels of the same, from being also liable for and chargeable with the said excess. Such of the said directors, who may have been absent when the said excess was contracted or created, or who may have dissented from the resolution or act, whereby the same was so contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of their absence or dissent, to the governor of the state, and to the stockholders at a general meeting, which they shall have power to call for that purpose.

X. The said corporation may sell any part of the public debt of which it may be possessed, but shall not be at liberty to purchase any public stock whatsoever, except of their own bank stock; provided the number of shares they purchase in again, shall be sold out at par or above it, as the market price may be whenever opportunity offers to do so with convenience; and provided the said number of shares so purchased in, shall

not exceed at any one time five hundred; nor shall this corporation, directly or indirectly, deal in or trade in anything, except bills of exchange, gold or silver bullion, or in the sale of goods, really and truly pledged for money lent and not redeemed in due time, or of goods which shall be the produce of its lands; neither shall the said corporation take more than at the rate of half per centum per thirty days for or upon its loans or discounts.

XI. No loan shall be made by the said corporation, for the use or on account of the government of the United States, to an amount exceeding fifty thousand dollars, or of any particular state, or of any foreign prince or state, to any amount whatsoever, unless previously authorized by a law of this state.

XII. The stock of the said corporation shall be assignable and transferrable, according to such rules as shall be instituted in that behalf by the laws and ordinances of the same.

XIII. The bills obligatory, and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon under the hand or hands of such person or persons, and of his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees, successively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her or their own name or names; and bills or notes which may be issued by order of the said corporation, signed by the president, and countersigned by the principal cashier or treasurer thereof, promising the payment of money to any person or persons, his, her or their order or to the bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in the like manner and with the like force and effect, as upon any private person or persons, if issued by him or them in his, her or their private or natural capacity or capacities, and shall be assignable and negotiable in like manner, as if they were so issued by such private person or persons; that is to say, those which shall be payable to any person or persons, his, her or their order, shall be assignable

by endorsement in like manner and with the like effect, as foreign bills of exchange now are; and those which are payable to bear, shall be negotiable and assignable by delivery only; and all notes or bills, at any time discounted by the said corporation, shall be, and they are hereby placed on the same footing as foreign bills of exchange, so that the like remedy shall be had for the recovery thereof against the drawer and drawers, indorser and indorsers, and with like effect, except so far as relates to damages, any law, custom or usage, to the contrary thereof in anywise notwithstanding.

XIV. Half-yearly dividends shall be made of so much of the profits of the bank as shall appear to the directors, advisable; and once in every year, at the meeting to be annually held for the choice of directors, those of the preceding year shall lay before the stockholders, for their information, an exact and particular statement of the general accounts and state of the corporation, and of the debts which shall have remained unpaid, after the expiration of the original credit, for a period of treble the term of that credit, and of the surplus of profit, if any, after deducting losses and dividends. If there shall be a failure in the payment of any part of any sum subscribed by any person, copartnership or body politic, the party failing shall forfeit the first payments made to the bank, with any dividend which may have accrued prior to the time of making the second payment, and during the delay of the same.

XV. It may be lawful for the directors aforesaid to establish offices at Lancaster, York or Reading, or wheresoever else they shall think fit, within the state, for the purposes of discount and deposit only, and upon the same terms, and in the same manner as shall be practiced at the bank; and to commit the management of the said offices and the making of the said discounts to such persons, under such agreements and subject to such regulations as they shall deem proper, not being contrary to law, or to the constitution of the bank: Provided always, That no office of discount or deposit be opened in any town or borough of this state, without the previous consent of the corporation of such town or borough: And provided

also, That the directors shall have liberty to recall and annul the said offices of deposit or discount, if found injurious to the real interest of the incorporation.

XVI. The legislature shall be furnished annually at their first session, with statements of the amount of the capital stock of said corporation and of the debts due to the same, of the moneys deposited therein, of the notes in circulation, and of the cash in hand, and shall have a right to inspect such general accounts in the books of the bank, as shall relate to the said statements: Provided, That this shall not be construed to imply a right of inspecting the account of any private individual or individuals, or any body politic or corporate with the bank.

XVII. The directors shall keep fair and regular entries in a book, to be provided for that purpose, of their proceedings, and on any question where two directors shall require it, the yeas and nays, of the directors voting, shall be duly inserted on their minutes, and those minutes be, at all times on demand, produced to the stockholders when at a general meeting, or to the legislature or any committee thereof, who shall require the same.

XVIII. No president or cashier of this bank shall be, directly or indirectly, concerned in the purchase or sale of any of the public stocks or funds, under the penalty of ten thousand dollars, to be forfeited, one-half thereof to the use of the commonwealth, and the other half to the use of the informer; nor shall the cashier be allowed to carry on any other business than that of the bank, under the penalty of five thousand dollars.

XIX. A fair and correct list of the stockholders shall be hung up, at least one month before any election of directors, in the common hall of the said bank, to the end that public information may be given to the parties concerned of their coproprietors and stockholders.

[Section IX.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That if the said corporation, or any person or persons for or to the use of the same, shall deal or trade in buying or selling any goods, wares, merchan-

dise or commodities whatsoever, contrary to the provisions of this act, all and every person [or persons] who shall have given any order or direction for so dealing and trading, and all and every person or persons who shall have been concerned as parties or agents therein, shall forfeit and lose treble the value of the goods, wares, merchandises and commodities in which such dealing and trade shall have been; one-half thereof to the use of the informer, and the other half thereof to the use of the state, to be recovered with costs of suit.

[Section X.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That if the said corporation shall advance or lend any sum for the use or on the account of the government of the United States, to an amount exceeding fifty thousand dollars, or of any particular state, or of any foreign prince or state, to any amount (unless previously authorized thereto by law of the state) all and every person and persons by and with whose order, agreement, consent, approbation or connivance, such unlawful advance or loan shall have been made, upon conviction thereof, shall forfeit and pay for every such offence, treble the value or amount of the sum or sums which shall have been so unlawfully advanced or lent, one-fifth thereof to the use of the informer, and the residue thereof to the use of the state, to be disposed of by law and not otherwise.

[Section XI.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the bills or notes of the said corporation originally made payable, or which shall have become payable, on demand, in gold and silver coin, shall be receivable in all payments to the state of Pennsylvania; and the public moneys of the state, as well as those of any incorporation hereafter constituted by the authority of the state, shall be constantly deposited in the bank of Pennsylvania whenever lying inactive.

[Section XII.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That at any time and times within the term of four months from and after the passage of this act, the governor shall, on behalf and for the use of this state, make or cause to be made, a subscription to the capital

stock of the said bank to the amount of one million of dollars, and shall make payment therefor in manner following: That is to say, he shall by warrant direct the treasurer to transfer to the president, directors and company of the bank of Pennsylvania, all the public stock of the United States, the property of this state, which shall not be otherwise appropriated by the legislature during the present session; and to pay them all the unappropriated moneys which shall be in the treasury at the time of making such subscription; and the amount of any sum or sums of money necessary to complete the full payment of the said subscription of one million dollars, he shall borrow (and the right and power of borrowing the same is hereby expressly stipulated and reserved) from the said bank, at an interest not exceeding the rate of six per centum per annum, to be charged on the fund and reimbursed in the manner hereinafter mentioned.

[Section XIII.] Provided always, and it is hereby further enacted, That the said public stock shall be received in payment as aforesaid, at the following rates; that is to say, the six per centum stock at the rate of twenty shillings for each and every nominal pound thereof; the three per centum stock at the rate of twelve shillings for each and every nominal pound thereof; and the deferred stock at the rate of twelve shillings and six pence for each and every nominal pound thereof.

[Section XIV.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That the said president, directors and company of the bank of Pennsylvania, shall also loan one other sum of five hundred thousand dollars, at a rate of interest not exceeding the rate of six per centum per annum, to the commonwealth (and the right and power to borrow the same is hereby expressly stipulated and reserved) for the purpose of establishing a loan office, which last mentioned loan shall be charged on the fund and reimbursed in the manner hereinafter mentioned: Provided always, That the sum so to be borrowed, shall not amount to more than the sum paid by the state in actual specie towards the said subscription of one million of dollars, at the time of making the loan last aforesaid.

[Section XV.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the said several sums of money hereinbefore directed to be borrowed from the said bank, shall be payable and paid in ten equal annual instalments, the first whereof shall be on the first day of January, in the year one thousand seven hundred and ninety-five, or in the greater sum and sums of money, or shorter period and periods, at the pleasure of the government, and interest shall cease to be chargeable on the amount of each and every payment, from the time of making the same respectively; and all the moneys arising from the arrearages of taxes, from the sales of land, and from the payment of the arrearages of the price thereof, which shall be paid into the treasury from and after the first day of January next, shall be, and they are hereby, exclusively appropriated to and for the payment of the said loans and the interest thereon, respectively accruing according to the instalments aforesaid; and if the moneys so appropriated shall not be adequate to the payment of the said loans and the interest thereon respectively, then as many of the shares in the said bank, belonging to this state, as may be necessary to supply the deficiency, shall be sold and applied to and for that purpose.

[Section XVI.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That the governor may, and he is hereby required, from time to time, to draw a warrant or warrants on the state treasurer, in favor of the president, directors and company of the bank of Pennsylvania, for all unappropriated moneys which shall be paid into the treasury before the first day of January next, towards payment of the said loans, or either of them, as he shall deem most expedient to direct.

[Section XVII.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That if within three months from and after the passing of this act, the president, directors and company of the bank of North America shall think proper to relinquish their charter, and to apply to the governor of this commonwealth for permission to subscribe to the stock of the company hereby erected, it shall and may be lawful for the

said president, directors and company so to relinquish their charter and to become subscribers to the bank of Pennsylvania, to any amount not exceeding two thousand shares, upon the like terms of payment as is hereinbefore directed, with respect to subscribers as aforesaid, and such subscriptions shall be and remain to the use of the stockholders of the said bank of North America, respectively and individually, according to their respective shares therein.

Provided always nevertheless, that for the liquidation and settlement of all the past transactions and accounts of the [said] bank of North America, the corporate power thereof, shall be and remain as effectual to all intents and purposes, as if the charter of the said bank had not been so relinquished, anything in this act to the contrary thereof in any wise notwithstanding, provided, that if the said president, directors and company of the bank of North America shall not, within three months after the passing of this act, relinquish their charter and subscribe the said number of shares to the bank of Pennsylvania in manner aforesaid, it shall and may be lawful for the president and directors of the bank of Pennsylvania, to open subscriptions at the city of Philadelphia for the said or any less number of shares, first giving twenty days' notice in two or more of the daily papers printed in the said city, and the said subscription shall be kept open for three days at least; but no person or persons, bodies politic or corporate, shall subscribe for more than five shares in any one day before the last of the said three days, and if the said two thousand shares shall not be subscribed for before the last of the said three days, then any person or persons, bodies politic or corporate, may subscribe for whatever number of shares may then be unsubscribed for, and the said two thousand shares, or such part thereof as shall be so subscribed for, shall be paid for in two equal payments, the one at the time of making such [subscription or] subscriptions, the other in six calendar months thereafter; and in case any subscriber or subscribers shall neglect to pay the second payment herein mentioned, he, she or they shall forfeit the first payments made to the bank, with any dividend which

may have accrued prior to the time of making the second payment and during the delay of the same:

Provided always, and it is the true intent and meaning of this act, that no subscription shall be opened for the said two thousand shares or any part thereof, unless the shares actually subscribed for, exclusive of the shares which may belong to this state, shall before amount to two thousand five hundred, as mentioned in the first section of this act.

[Section XVIII.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, that the seven commissioners appointed by the first section of this act, for the receiving of subscriptions in the city of Philadelphia, shall immediately provide in the said city a proper house for the carrying on of the business of the bank, together with all necessary paper, stationery, vaults and utensils, suitable to the same, so that, as soon as the directors are chosen, the operations of the bank may be immediately, and without loss of time, prosecuted and carried into effect.

Passed March 30, 1793. Recorded L. B. No. 5, page 64, etc. Supplement passed April 11, 1793; Chapter 1688. See Act of April 11, 1793; Chapter 1697, as to loan of \$500,000. See Act of February 13, 1794; Chapter 1737, as to number of directors necessary for discount business. Supplement passed April 22, 1794; Chapter 1773. See Act of February 13, 1799; Chapter 2018, as to loan of \$500,000 to United States.

CHAPTER MDCLXVIII.

AN ACT TO PROVIDE FOR THE DEFENCE OF THE FRONTIERS OF THE COMMONWEALTH.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor shall engage for the term of six months, unless sooner discharged, a number of active and experienced riflemen of the militia of this common-

wealth, not exceeding one hundred and sixty-two non-commissioned officers and privates, and he shall organize the men so to be engaged into three companies, and each company shall consist of one captain and one lieutenant, to be appointed and commissioned by the governor, four sergeants and fifty privates, to be engaged as aforesaid:

[Section II.] Provided always nevertheless, and it is hereby further enacted, that if the state of the frontiers shall be such as in the judgment of the governor to require the continuance of the said three companies in the service of the commonwealth, after the expiration of the said term of six months, it shall be lawful for him to continue the same accordingly, until the meeting of the legislature next ensuing the expiration of the said term of six months, or for any shorter period.

[Section III.] (Section II, P. L.) And be it further enacted by the authority aforesaid, that the following disposition and arrangement of the said three companies shall be carried into effect, unless the governor shall hereafter see cause to alter the same and give directions accordingly; that is to say, one of the companies shall be employed in protecting the frontiers of the county of Westmoreland, another of the companies shall be employed in protecting the frontiers of the county of Washington, and the remaining company shall be employed in protecting the frontiers of the county of Allegheny, and the county lieutenant or brigadier-general, as the case may be, of the proper county, shall station the company to be employed in protecting the same as aforesaid, at such places and in such proportion as in his judgment shall be best calculated for that purpose.

[Section IV.] (Section III, P. L.) And it be further enacted by the authority aforesaid, that the pay of the militia raised by virtue of this act shall be as follows; that is to say, the pay of each captain shall be twenty-five dollars per month, of each lieutenant twenty dollars per month, of each sergeant eight dollars per month, and of each private six dollars and sixty-seven cents per month; and each of the county lieutenants aforesaid shall receive twenty dollars in full for the services rendered by him in pursuance of this act.

[Section V.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, that a sum not exceeding fourteen thousand dollars be appropriated for carrying into effect the objects of this law and providing the necessary arms and ammunition, which sum shall be paid by the state treasurer upon the warrants of the governor, out of the funds hereinafter specified, and an account of the disbursements thereof, or of any part thereof, shall be laid by the governor before the general assembly at the next ensuing session.

[Section VI.] (Section V, P. L.) And be it further enacted by the authority aforesaid, that any and every sum and sums of money, which shall remain in the fund created by militia fines and the arrearages thereof, after defraying the militia expenses on such fund charged and chargeable by law, together with the moneys arising from the loan office established in the year one thousand seven hundred and eighty-five, shall be, and hereby are appropriated for defraying the expenses necessary to carry this act into operation, and such other expenses as may at any sary for the defense of the frontiers, and the deficiency of the fund thus constituted, if any, shall be supplied out of the aggregate fund, or in case of a surplus, the same shall be carried to and become part of the aggregate fund.

Passed April 3, 1793. Recorded L. B. No. 5, p. 77, etc.

CHAPTER MDCLXIX.

AN ACT TO APPOINT AND AUTHORIZE TRUSTEES TO BUILD A COURT-HOUSE AND OFFICES FOR PRESERVING THE RECORDS OF THE COUNTY OF DAUPHIN, ON THE LOT OF LAND LAID OUT FOR THAT PURPOSE, IN THE BOROUGH OF HARRISBURG, AND TO APPROPRIATE THE MONEY NOW IN THE TREASURY OF THE SAID COUNTY, WITH THE EMOLUMENTS OF THE HARRISBURG FERRY, TO DISCHARGE THE EXPENSES THEREOF.

Whereas the emoluments of the Harrisburg ferry have lain for several years unappropriated, and the inhabitants of the county of Dauphin, as well as those of the said borough, by

their petitions, have requested that the same may be applied to the building a courthouse and offices for securing the records of the county until they may be completed: Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, that John Kean, Henry Baylor and Valentine Hummel, the present commissioner of the county of Dauphin, and their successors, the commissioners of the said county for the time being, be and they are hereby invested, in trust for public use, with the right and title to the ferry and ferry lot, with all and every of the appurtenances thereunto belonging, heretofore known by the name of Harris' ferry, which the late John Harris, deceased, did in his life time convey to Jacob Awl, Andrew Stewart, James Cowden, Joshua Elder and William Brown, in trust for public use, and they, the commissioners of Dauphin county aforesaid, are hereby directed and enjoined to lease out the same, from and after the fifteenth day of April next, in such manner, from time to time, as may be most conducive to the public interest.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, that they, the commissioners of the county of Dauphin for the time being as aforesaid, be and they are hereby empowered, authorized and enjoined to settle and adjust the accounts of Jacob Awl, Andrew Stewart, James Cowden, Joshua Elder and the executors of William Brown, trustees as aforesaid, to allow them a reasonable compensation for their time, expense and trouble in the prosecution of the trust and duties enjoined on them by the act, entitled "An act for erecting part of the county of Lancaster into a separate county,"¹ passed the fourth day of March, one thousand seven hundred and eighty-five, so far as they have executed that trust, and also in building the ferry-house, leasing out the said ferry and taking care thereof, since the same came into their possession until the fifteenth day of April next, and to ask, demand and receive from them, the said Jacob Awl, Andrew Stewart, James Cowden, Joshua Elder and the executors of William

¹ Chapter 1136.

Brown, trustees as aforesaid, or either of them, all such surplus money as may be in the hands of them, or either of them, arising from the ferry and its appurtenances, with the interest which may have arisen or become due thereon, or on any part thereof, and if the said Jacob Awl, Andrew Stewart, James Cowden, Joshua Elder and the executors of William Brown, trustees as aforesaid, should think themselves aggrieved by the judgment of the commissioner of the county of Dauphin, in the compensation by them allowed for the services performed by the said trustees for the use of the said county, then it shall and may be lawful for the commissioners and trustees aforesaid, to submit those matters in difference to referees indifferently chosen by the parties aforesaid, but if the said Jacob Awl, Andrew Stewart, James Cowden, Joshua Elder and the executors of William Brown, or either of them, shall neglect or refuse to exhibit, adjust, settle and pay the surplus money which shall remain in their hands after making the compensation as aforesaid, upon receiving from the commissioner of the said county three months' notice in writing of the time and place by them appointed for that purpose, then the said commissioners shall institute a suit or suits against them, the said Jacob Awl, Andrew Stewart, James Cowden, Joshua Elder and the executors of William Brown, or either of them, who may neglect or refuse as aforesaid, and recover from them, or either of them, all such sums of money as may remain in their, or either of their, hands or possession, with costs of suit, to be paid into the treasury of the said county.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That John Kean, Robert Harris and Michael Kopp be and they are hereby appointed, authorized and empowered to procure and provide the materials necessary for building a courthouse, with an office at each end thereof for the records of the prothonotary and register of the county, as soon as conveniently may be after the passing of this act, and they, the said John Kean, Robert Harris and Michael Kopp, are hereby directed and enjoined, as early as the season will

admit, in the spring of the year one thousand seven hundred and ninety-four, to commence the building of a good convenient courthouse of brick, with a cellar under the whole, on the lot of ground in Harrisburg appropriated for that purpose, with proper brick buildings at each end thereof for the offices aforesaid, and that the front of the said courthouse be not less than twenty feet from Market street within the said lot, which space shall be neatly paved with good, hard brick, together with the footway along the said street.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That they, the said John Kean, Robert Harris and Michael Kopp, or a majority of them, shall be and they are hereby authorized to draw warrants on the treasurer of the county, from time to time as they may have occasion, for money to purchase the materials as aforesaid, not exceeding fifteen hundred pounds, before the fifteenth day of April next, and such further sums as they may have occasion for workmen and laborers to complete the same, as it may be paid into the said county treasury from the emoluments of the Harrisburg ferry already accrued and hereafter accruing; provided the whole amount of the materials, work, labor and expense of the said courthouse and offices shall not exceed the sum of three thousand pounds, all of which said warrants signed by the said John Kean, Robert Harris and Michael Kopp, or a majority of them, shall be allowed to the treasurer of the said county in the settlement of his accounts.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That they, the said John Kean, Robert Harris and Michael Kopp, shall and they are hereby enjoined to lay before the commissioners of the said county annually, when thereunto required, a just and true account of their disbursements or expenditures for materials, work and labor for and on account of the buildings aforesaid, until they may be fully completed, and that within the year one thousand seven hundred and ninety-six, they, the said John Kean, Robert Harris and Michael Kopp, are hereby directed and enjoined to have the whole building complete and finished, and make a final settlement of all their said accounts with the commissioners of the

said county for the time being, and the said trustees, having finished the said buildings, shall be allowed six per centum on all the money they may have necessarily expended in execution thereof, in full compensation for their services and attention to the said business.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That if either of the commissioners of the county of Dauphin for the time being, shall neglect or refuse to do and perform any of the services enjoined on him or them by this act, such commissioners so offending shall be subject to a fine at the discretion of the supreme court, in any sum not exceeding fifty pounds, and if any or either of the said John Kean, Robert Harris and Michael Kopp, hereby appointed to erect the buildings aforesaid, having accepted the trust and taken upon him the services required, without any reasonable cause or unavoidable impediment shall neglect or refuse to do and perform his part and share of the duty enjoined on him by this act, he shall for every such refusal or neglect be subject to a fine at the discretion of two of the justices of the peace of the said county, in any sum not exceeding five pounds, and if either of the said John Kean, Robert Harris and Michael Kopp should die, remove from the borough, or be otherwise disabled from performing the duties hereby enjoined, or not being disabled should entirely refuse to perform the same, then it shall and may be lawful for the court of general quarter sessions, and they are hereby required, to appoint some other fit person or persons to do and perform the same in the place of such delinquent, who shall be subject to the like penalties for neglect or refusal, and be entitled to the like rewards for services by him performed, as those hereby appointed.

Passed April 5, 1793. Recorded L. B. No. 5, p. (not given).

CHAPTER MDCLXX.

AN ACT TO AUTHORIZE JOHN WALKER TO ERECT A WING-DAM ON THE CONEDOGWINET CREEK, IN THE COUNTY OF CUMBERLAND.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That John Walker and his heirs and assigns be and they are hereby authorized and empowered to erect a wing-dam on the Conedogwinet creek, in the county of Cumberland, to extend not more than half way across the said creek and to keep the same in good repair forever, and also to lead off thereby on his own land so much of the waters of the said creek as may be found necessary for the purpose of supplying a gristmill.

Provided always, That the said John Walker, his heirs or assigns, in erecting the said wing-dam, or in keeping the same in repair, agreeably to the directions of this act, shall not thereby in any degree injure or impede the navigation thereof.

Passed April 5, 1793. Recorded L. B. No. 5, p. —. See Act of September 22, 1794, Chapter 1786, giving authority to extend dam.

CHAPTER MDCLXXI.

AN ACT TO GRANT RELIEF TO CERTAIN PERSONS, LATE OFFICERS AND SOLDIERS IN THE PENNSYLVANIA LINE, WHOSE TRACTS OF DONATION LANDS ARE ASCERTAINED TO BE WITHIN THE STATE OF NEW YORK ON RUNNING THE BOUNDARY LINE OF THIS STATE, AND FOR OTHER PURPOSES THEREIN MENTIONED.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the officers of the land-office

shall forthwith proceed and ascertain by lot a sufficient number of lots, corresponding in the number of acres to the several lots of donation lands, which have been drawn by a number of persons, late officers and soldiers in the Pennsylvania line in the army of the United States, which are found to lie within the territory and jurisdiction of the state of New York by running the boundary line between the said state and this commonwealth, and the several persons whose donation lots have fallen within the state of New York as aforesaid, who have applied and drawn for their priority of choice, agreeably to the manner prescribed by the governor, shall be entitled to choose a lot or lots containing a like quantity of acres with the lot or lots they may have lost, out of any of the lots drawn as aforesaid, and all persons who are entitled to the benefit of the act, entitled "A supplement to the act, entitled 'An act for directing the mode of distributing the donation lands promised the troops of this commonwealth,'"¹ passed the thirtieth day of September, one thousand seven hundred and ninety-one, who have not applied before the first day of July, one thousand seven hundred and ninety-two, and drawn for their priority of choice, shall severally be entitled to make choice of a lot or lots, containing a like number of acres with the lot or lots they may have lost, as they shall apply for the same, and on such choice being made, patents shall issue in the usual form in the name or names of such persons aforesaid, their heirs, executors, administrators or assigns, without any charge or fees. Provided, that they, their heirs, executors, administrators or assigns, shall previously return the patent or patents formerly granted to them for donation land which have so fallen within the state of New York, in order that the same may be canceled by release to the commonwealth, and also upon their giving a quit claim for any compensation they may be entitled to on account of any supposed loss, and not otherwise.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the officers of the land office, after having drawn a sufficient number of lots to indemnify the

¹Chapter 1592.

officers and soldiers aforesaid, shall proceed and draw lots for every person entitled to donation lands, who have not received the same, as they shall apply therefor agreeably to the list submitted by the comptroller general to the supreme executive council, and issue patents for the said lots agreeably to the second section of an act, entitled "A supplement to the several acts of the general assembly of this commonwealth for distributing the donation lands promised to the troops of this state,"² passed the sixth day of April, one thousand seven hundred and ninety-two, anything in this act or any law of this commonwealth to the contrary in any wise notwithstanding.

Passed April 5, 1793. Recorded L. B. No. 5, p. —.

CHAPTER MDCLXXII.

AN ACT TO AUTHORIZE AND EMPOWER RICHARD KEYS AND OTHERS
TO LEAD OFF AND USE PART OF THE WATERS OF THE SUSQUEHANNA
ON THEIR LANDS ADJOINING THE CONNEWAGO FALLS.

Whereas it has been represented to the legislature by Richard Keys, Thomas Bailey, John Grier and James Hopkins, that they are proprietors of the lands adjoining the Connewago Falls, on the eastern side of the river Susquehanna, in the county of Lancaster, which might be highly improved by the waters of the said river, if they had legislative permission to lead off and use part of the said waters on the said lands, for the supply of such water works as they might erect thereon, and to raise such dam or dams in parts of the stream of the said river and to remove such obstructions as might be necessary to effect the purposes aforesaid, provided they do not injure the navigation of the said river: Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by

²Chapter 1637.

the authority of the same, that Richard Keys, Thomas Bailey, John Grier and James Hopkins, proprietors of the lands adjoining the Connewago Falls on the eastern side of the river Susquehanna, in the county of Lancaster, their heirs and assigns, be authorized and empowered, and they are hereby authorized and empowered, to lead off and use the waters of the said river on their lands aforesaid, for the supply of such water works as they may see fit to erect thereon, and to raise such dam or dams in parts of the stream of the said river, and to remove such obstructions therein as may be necessary to effect the purpose aforesaid, provided they do not injure the navigation of the said river.

Passed April 5, 1793. Recorded L. B. No. 5, p. —, (not given).

CHAPTER MDCLXXIII.

AN ACT TO REPEAL SO MUCH OF AN ACT, ENTITLED "AN ACT TO APPOINT A COMMISSIONER TO SUPERINTEND THE SETTLEMENT OF THE ACCOUNTS OF THIS STATE WITH THE UNITED STATES," AS RELATES TO THE DUTIES AND POWERS ENJOINED AND VESTED IN THE SAID COMMISSIONER.¹

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the first day of July next the office of commissioner to superintend the settlement of the accounts of this commonwealth with the United States shall cease and determine.

Passed April 8, 1793. Recorded L. B. No. —, p. —, (not given).

¹ Passed April 13, 1791. Chapter 1571.

CHAPTER MDCLXXIV.

AN ACT ENABLING THE TRUSTEES OF WASHINGTON ACADEMY, AND THE TRUSTEES OF PITTSBURG ACADEMY, TO LOCATE THE LANDS GRANTED TO SAID ACADEMIES WEST OF THE ALLEGHENY AND OHIO RIVERS, IF THEY SHALL THINK PROPER.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the trustees of the Washington Academy and the trustees of the Pittsburg Academy, respectively, shall be and they are hereby authorized to locate westward of the Allegheny and Ohio rivers, if they shall think proper, all or any part of the lands granted to said academies by acts of general assembly, passed the tenth and twenty-fourth day of September, one thousand seven hundred and eighty-seven:

Provided, that the same shall not be laid or surveyed on any of the lands heretofore reserved by any law or resolution for the use of the commonwealth, or that shall have been otherwise appropriated by virtue of any law prior to the passing of this act.

Passed April 8, 1793. Recorded L. B. No. —, p. —, (not given).

CHAPTER MDCLXXV.

AN ACT DECLARING CHARTIERS CREEK A PUBLIC HIGHWAY.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, Chartiers creek, in Washington and Allegheny coun-

ties, from the mouth thereof to David Bradford's mills, on the main branch thereof, shall be and the same is hereby declared to be a public highway for the passage of boats and rafts, under the limitations and restrictions hereinafter specified, and it shall and may be lawful for the inhabitants desirous of using the navigation of the said creek, to remove all natural and artificial obstructions, from the mouth thereof to David Bradford's mills on the main branch thereof, and also to erect such slopes at the mill dams now built on the said creek as may be necessary for the passage of rafts or boats, provided such slopes shall be so constructed as not to injure the works of said dams.

[Section II.] (Section II, P. L.) And be it further enacted by the authority, aforesaid, That nothing in this act contained shall be deemed, taken or understood to prevent any person or persons, possessing lands on said creek, who, before the passing of this act, had authority under the laws of this commonwealth to erect a dam or dams, shall be prohibited from erecting any such dam or dams that he or she may think proper:

Provided always, that such dam or dams be so constructed and kept in repair, with a proper slope or slopes so that the navigation will not be injured thereby, nor the passage of fish prevented.

Passed April 8, 1793. Recorded L. B. No. —, p. —, (not given).

CHAPTER MDCLXXVI.

A FURTHER SUPPLEMENT TO THE ACT, ENTITLED "AN ACT TO PROVIDE FOR THE SUPPORT OF THE GOVERNMENT OF THIS COMMONWEALTH."¹

Whereas it is proper and necessary to provide a reasonable and adequate compensation for those who are and shall be employed in the service of the public: Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Penn-

¹Passed April 13, 1791. Chapter 1574.

sylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the public officers hereinafter mentioned shall respectively be entitled to receive of this commonwealth, as a further compensation for their services in such office, the annual salaries and daily appointments hereinafter mentioned; that is to say, the speaker of the senate and the speaker of the house of representatives, respectively, the sum of one dollar per diem for every day they shall attend their respective duties, in addition to the sum allowed them by the act to which this is a further supplement; the members of the senate and house of representatives, respectively, the further sum of one dollar per diem, in addition to the sums heretofore allowed them by law; the presidents of the courts of common pleas, when attending the high courts of errors and appeals, the sum of three dollars, respectively, for every day they shall attend during the session of the said high court, and the sum of three dollars for every thirty miles they shall necessarily travel in going to and returning from the same; the assistant judges of the court of common pleas of the county of Philadelphia, the sum of one hundred and twenty dollars per annum, respectfully, in addition to the sum heretofore allowed them by law; and to the assistant judges of the several other courts of common pleas in this state, the sum of sixty dollars, respectively, in addition to the sum heretofore allowed them by law.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said salaries and allowances, respectively, shall commence from the several periods hereafter mentioned; that is to say, for the speaker and members of each branch of the legislature, from the day of the commencement of the present session of the general assembly, and for the assistant judges of the courts of common pleas, from the first day of January last past.

Passed April 8, 1793. Recorded L. B. No. —, p. —, (not given).

CHAPTER MDCLXXVII.

AN ACT FOR LAYING OUT A TOWN AT PRESQU ISLE.

Whereas establishing a town at Presqu Isle would promote the settlement of the neighboring country and thereby place the frontiers of Pennsylvania in a safer situation: Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the governor be and he is hereby empowered to cause to be surveyed the tract reserved at and near Presqu Isle by the act, entitled "An act for the sale of the vacant lands within this commonwealth."¹ passed the third day of April, one thousand seven hundred and ninety-two, and at the most eligible place within the said tract, he shall cause to be laid out and surveyed sixteen hundred acres of land in town lots, not more than one-third of an acre each, and also three thousand four hundred acres adjoining the same in out lots, not less than five acres nor more than ten acres each:

Provided always, That the governor shall reserve out of the lots of the said town so much land as he shall deem necessary for public uses, also so much land within or out the said town as may in his opinion be wanted by the United States for the purpose of erecting forts, magazines, arsenals and dockyards.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the first two hundred persons who shall actually inhabit and reside on or before the first day of January next within the said town, shall each and every of them, be entitled to one unappropriated town lot and one out lot to be ascertained by lottery, for which they shall, respectively, receive a deed clear of all charges:

Provided, that such persons, respectively, or their respective

¹Chapter 1624.

representatives or assignees, shall inhabit and reside within the said town for the term of three years, and also with the same term build, or cause to be built, an house, at least sixteen feet square and containing at least one brick or stone chimney, on the town lots to be granted in pursuance of this act.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the governor is hereby authorized to sell two hundred of the town lots, exclusively of those granted by the next preceding section, and the whole of the other out lots in such manner as he shall think most to the advantage of the state, and make conveyances of the same, excepting always such as shall be reserved for public uses:

Provided always, nevertheless, that the sale shall be made upon this condition, that the respective purchasers shall and do within the term of three years erect and build one house at least sixteen feet square, and containing at least one brick or stone chimney, on each and every town lot by them purchased; and no deed of conveyance, shall be granted by the governor to any purchaser, nor after the expiration of the said term of three years shall the sale be deemed or construed to vest any title, claim or demand in any purchaser, unless satisfactory proof be first given, that a house has been erected and built on the town lots sold as aforesaid, according to the true intent and meaning of this act.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the streets, lanes and alleys of the said town and out lots shall be common highways forever, and that previous to the sale or sales of the said town lots and out lots, notice shall be given of the same in at least three of the newspapers of the state, at least ten weeks previous to such sale or sales.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the expenses necessary to carry this act into operation shall be paid out of the moneys arising from the aforementioned lots and out lots.

Passed April 8, 1793. Recorded L. B. No. —, p. —, (not given).

Governor authorized to send out detachment of troops, Act of Feb. 28, 1794, Chapter 1715. Supplement passed April 18, 1794, Chapter 1748. Repealed by Act passed April 18, 1795, Chapter 1856.

CHAPTER MDCLXXVIII.

AN ACT TO AUTHORIZE ADAM HAMAKER TO REBUILD A MILL-DAM
OVER SWATARA, AT THE PLACE LATELY OCCUPIED FOR THAT
PURPOSE.

Whereas it has been represented to the legislature of this state that a mill-dam was heretofore erected over the Swatara creek, about four miles above Middletown, in the county of Dauphin, which was carried away by a flood: Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and the House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, that it is hereby enacted by the authority of the same, That it shall and may be lawful for Adam Hamaker, his heirs and assigns, and they or either of them, are hereby authorized and empowered to erect, support and forever maintain a dam across Swatara creek, in the county of Dauphin, on his or their own land, so as to raise the water three feet above the common surface, for the purpose of supplying such mills and other water works as he or they may think proper to erect thereon:

Provided he or they shall cause to be made an opening in the said dam, of at least twenty feet wide and one foot below the top thereof, and shall cause a slope to be made from the bottom of said opening, of at least fifteen feet for every foot of the height of said opening, with sides of two feet high, and to extend on that slope till it reaches the bottom of said creek.

And provided also, That the privileges granted to the company incorporated for the purpose of opening a canal and lock navigation from Susquehanna to Schuylkill shall not be infringed or any way impaired or straightened by anything herein contained.

Passed April 8, 1793. Recorded L. B. No. —, p. (not given).

CHAPTER MDCLXXIX.

AN ACT MAKING CERTAIN APPROPRIATIONS FOR THE YEAR ONE THOUSAND SEVEN HUNDRED AND NINETY-THREE.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That a sum not exceeding twenty-five thousand dollars be and it is hereby appropriated for the payment and discharge of such certificates granted by virtue of the second section of an act, entitled "An act to provide for the settlement of public accounts, and for other purposes therein mentioned,"¹ passed on the fourth day of April, one thousand seven hundred and ninety-two, as have issued from the said fourth day of April, one thousand seven hundred and ninety-two, to the time of passing this act.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the comptroller general and register general shall have the like power to settle and adjust the interests due upon the said certificates, and under the same checks and limitations as they have in the settlement of other accounts:

Provided, however, that no interest shall be allowed upon the said certificates from and after the passing of this act, and the governor may and shall draw a warrant and warrants in favor of the parties concerned, in the same manner as in other cases, which warrant and warrants shall be paid by the state treasurer out of the aggregate fund created by an act, entitled "An act to provide for the paying and redeeming certain public debts, and for defraying expenses of government,"² passed on the tenth day of April, one thousand seven hundred and ninety-two.

¹Chapter 1627.

²Chapter 1646.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That a further sum of five thousand dollars, to be paid out of the same fund, be and it is hereby appropriated to discharge and pay such accounts which the comptroller general and register general have power to settle by virtue of the existing laws of the state, as shall be settled and adjusted between the passing of this act and the next session of the legislature, provided that no interest shall be allowed on any such account from and after the first day of August last.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That a further sum not exceeding twenty thousand dollars, to be paid out of the same fund, be and it is hereby appropriated to discharge and pay the claims for the pay and rations of the militia of this state that were called into service, according to the existing laws of the state during the course of the year one thousand seven hundred and ninety-two, which have not yet been discharged by the government of the United States or of this state, and which have been or shall be allowed and settled according to the existing laws of this state.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That for the year one thousand seven hundred and ninety-three, the sum of two thousand five hundred dollars, part of the funds appropriated for the support of the government, shall be and hereby is appropriated for paying all charges for necessary clerk hire, printing, stationery, attendance, expenses and fuel for the use of the executive department, and the governor shall lay before the next general assembly a particular account of the disbursements made by virtue of this section.

Passed April 10, 1793. Recorded L. B. No. —, p. —, (not given).

CHAPTER MDCLXXX.

AN ACT TO INCORPORATE THE CONEWAGO CANAL COMPANY.

Whereas the general assembly of this commonwealth did in and by an act, entitled "An act to provide for the opening and improving sundry navigable waters and roads within this commonwealth,"¹ authorize and empower the governor to contract with individuals or companies, among other things, for improving the navigation of the river Susquehanna, from Wright's ferry to the mouth of Swatara creek inclusive, and for that purpose appropriated the sum of five thousand two hundred and fifty pounds, and whereas a contract and articles of agreement were made and entered into on the third day of July, in the year of our Lord one thousand seven hundred and ninety-two, between Thomas Mifflin, governor of the commonwealth of Pennsylvania, on behalf of the state, of the one part, and Robert Morris, William Smith, Walter Stewart, Samuel Meredith, John Steinmetz, Tench Francis, John Nicholson, John Donaldson, Samuel Miles, Timothy Matlack, David Rittenhouse, Samuel Powel, Alexander James Dallas, William Bingham, Henry Miller, Abraham Witmer and Robert Harris, all of the state of Pennsylvania, of the other part, as a company by the name of the Conewago Company for opening and improving that part of the river Susquehanna, from Wright's ferry to the mouth of Swatara creek inclusive, agreeably to the true intent, meaning and design of the legislature, whereby the said Robert Morris and others as a company, and each of them, did agree, undertake and contract to and with the said Thomas Mifflin and his successors, governors of the said commonwealth, that they, the said company, will well and truly open and improve the navigation of the said river Susquehanna, between Wright's ferry and the mouth of Swatara aforesaid, agreeably to the true intention of the legislature, in the manner set forth in the

¹Passed April 13, 1791. Chapter 1569.

said contract, reference being thereto had at large and particularly, that at the Conewago Falls they will cut, establish and maintain a canal of a sufficient and convenient width, not less than forty feet, of a length sufficient to pass and extend beyond all obstructions created in the navigation of the said river by means of the said Conewago Falls, and of a depth sufficient at all times to contain and convey through the whole distance of the said canal a body of water at least four feet deep, and that they will also erect and maintain on the said canal a sufficient number of safe and commodious locks, not less than two, for the benefit of navigation, and that the said canal and locks and the works thereunto belonging, shall be forever kept and maintained in good and perfect order and repair by them, the said contractors, their heirs, executors, administrators and assigns, at the proper cost of them and every of them, and opened as a public highway and for public use forever, so that all persons whosoever with boats, rafts and other suitable vessels and their freights may thenceforth at all seasons, when the navigation of the said river Susquehanna is not rendered impracticable by ice, pass and repass in the said canal and use and enjoy the benefit of the said locks, free of toll and any and every other charge whatsoever, as freely as if the said canal and locks were made and established by the public and duly declared by law to be a public highway;

And whereas the said Thomas Mifflin, in behalf of this commonwealth, in consideration of the undertakings and contracts of the said company, did covenant and agree that they shall have and receive the sum of five thousand two hundred and fifty pounds, the sum appropriated by law, to be taken as full satisfaction and compensation of all their services and expenses in carrying on, completing and maintaining the said works;

And whereas it has been represented to the legislature by the said company that no provision having been made by the public to purchase the ground through which the said canal is to pass for the distance of three hundred and six perches, more or less, nor to compel the owners to part with the same at a reasonable

price or valuation for the public use, and that they have been obliged to purchase the same at their own expense and at a very high rate, appropriating to the use of the public such part of their grounds as may be necessary to the said canal and works, the whole of which is to be constructed and maintained within the grounds so purchased, but that in the execution of the said important work for the public use and benefit, as well as for securing and maintaining the necessary constructions and erections from trespasses and damages, the better managing their several shares, dividing and transferring the same, making and executing contracts for carrying on the work, and the improvement of the natural advantages of their estates and interest in the lands contiguous to and connected with the said canal (including the ferry at the lower end of the said Conewago Falls) they labor under many inconveniences as a number of individuals bound by temporary articles to the execution and support of a public work for permanent and perpetual use to the community at large, and have therefore prayed that they may be constituted into a body politic and corporate, with the powers, rights and privileges incident and necessary to a corporation of the like nature and kind.

[Section I.] (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the said Robert Morris, William Smith, Walter Stewart, Samuel Meredith, John Steinmetz, Tench Francis, John Nicholson, John Donaldson, Samuel Miles, Timothy Matlack, David Rittenhouse, Samuel Powel, Alexander James Dallas, William Bingham, Henry Miller, Abraham Witmer and Robert Harris, their successors and assigns, shall be and they are hereby incorporated into a body politic and corporate in deed and in name by the name, style and title of The Conewago Canal Company, and by the same name, style and title they shall have succession forever, and be able and capable in law to sue and be sued, to implead and be impleaded, and to have and to make one common seal to use in their affairs, and the same to break and alter at their pleasure, and to hold and enjoy any lands, tenements,

goods, wares and merchandise and all manner of estates, real and personal and mixed, provided the same shall not exceed at any time one million of dollars, and shall have power to meet, choose, appoint and contract with all officers, servants and persons necessary in the management of their affairs, and to do and perform such acts, and to make such rules, ordinances, by-laws and regulations (not inconsistent with the laws of the United States and of this state) as they or a majority of them shall from time to time find convenient, useful and necessary for establishing and maintaining the said canal and locks, and the works thereunto belonging or connected with the same, and in general for the better managing and promoting the interests of the said corporation and company and the improvement of the natural advantages of their estate in the premises, in as full and ample a manner as any other corporate body within this commonwealth can or may do.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said canal and locks shall be and the same are hereby declared to be a public highway, and as such shall be kept and maintained by the said corporation and company for public use forever, so that all persons with boats, rafts and other suitable vessels, with their freights, may at all seasons, when the navigation of the river Susquehanna and the said canal is not rendered impracticable by ice, pass and repass in the same, and use and enjoy the benefit of the said locks, free of toll, and any and every other charge whatsoever, and the said company shall keep and maintain a skilful person for opening and shutting the locks for assisting the boatmen in their passage through the same.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall wilfully and knowingly do any act or thing whatsoever whereby the said navigation, or any lock, gate, engine, machine or devise thereto belonging, shall be injured or damaged, he, she or they so offending shall forfeit and pay to the said company fourfold the costs and damages by them sustained by means of such known and wilful act, together with

costs of suit in that behalf expended, to be recovered by action of debt before any justice of the peace, or in any court having jurisdiction competent to the sum due.

[Section IV.] (Section IV, P. L.) Provided always, and be it further enacted by the authority aforesaid, That nothing in this act contained shall be held, deemed, taken or in anywise understood to invalidate the contract had and made between the governor of this commonwealth and the said company, for completing the said canal and locks in the manner and in the time therein specified, nor to release the said company, or any of them, from their responsibility, each for the other jointly and severally, in the due and faithful execution of the work, according to the true intention of the legislature, as specified and set forth in the said contract.

Passed April 10, 1793. Recorded L. B. No. —, p. —, (not given).

CHAPTER MDCLXXXI.

AN ACT TO AUTHORIZE SIMON SNYDER, AND THE HEIRS OF ANTHONY SELIN, DECEASED, TO ERECT A DAM ON PENN'S CREEK, IN THE COUNTY OF NORTHUMBERLAND, UNDER THE LIMITATIONS AND PROVISIONS THEREIN PRESCRIBED.

Whereas erecting dams in certain streams of water, which have been heretofore by law declared public highways, under certain limitations and provisions, will be so far from impeding or obstructing the design of such laws that it will rather tend to accomplish the purpose of them: Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Simon Snyder, and the heirs of Anthony Selin, deceased, and their heirs and assigns, shall have liberty to erect a dam across Penn's creek, in the county of Northumberland, not exceeding the height of three feet, and to maintain and keep the same in good repair forever.

[Section II.] Provided always, and be it further enacted by the authority aforesaid, That the said Simon Snyder and the heirs of Anthony Selin, deceased, and their heirs and assigns forever, do maintain and keep in good order on the body of said dam, in a convenient part of the same, for rafts to pass through, an opening of at least twenty-five feet wide, the bottom of which shall not be more than twenty inches above the common level of the water below said dam, with a sloping way therefrom, to extend twenty feet down stream before it reaches the bottom of said creek, and also erect, or cause to be erected and kept in good repair, a complete lock of twelve feet wide, through which boats and canoes may at all times safely and conveniently pass.

[Section III.] And it is hereby expressly enacted and declared, That if the provisions and limitations before mentioned are not at all times duly attended to and observed, then the enacting clause first mentioned shall be void and of no effect, anything herein contained notwithstanding.

[Section IV.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful, on the complaint of any person or persons to the judges of the court of common pleas of said county, for them to appoint three commissioners to view said dam and compare it with the limitations and provisions hereinbefore set forth and enacted, and to report to them at their next sessions in said county, the state thereof, which report on oath or affirmation, if it contain an offence committed against this act, shall be sufficient ground of indictment, and upon prosecution to conviction of an offence against this act, or the act declaring that part of Penn's creek a public highway, the party or parties so convicted shall be liable to pay a fine not exceeding fifty pounds, at the discretion of the court.

Passed April 10, 1793. Recorded L. B. No. —, p. —, (not given).

CHAPTER MDCLXXXII.

AN ACT TO AUTHORIZE CERTAIN PERSONS TO SELL AND CONVEY
THE LOT OF GROUND THEREIN MENTIONED.

Whereas in and by an act of the general assembly, of the commonwealth of Pennsylvania, entitled "An act for vesting certain city lots therein mentioned in trustees for a burial ground for the use of the religious society of Free Quakers, in the city of Philadelphia,"¹ passed on the twenty-sixth day of August, in the year of our Lord one thousand seven hundred and eighty six, of the city lots, situate contiguous to each other on the west side of the Fifth street from Delaware River, in the square between Walnut street and Spruce street in the the city of Philadelphia, containing altogether in breadth on the said Fifth street one hundred and seventy-six feet, and in length or depth one hundred and ninety-eight feet and [and] an half, bounded northward by lot number forty-two, sold to John Taylor, eastward by Fifth street aforesaid, and westward by the back ends of Sixth street lots, with their appurtenances, were and are vested in Christopher Marshall, Joseph Stiles, Nathaniel Brown, Isaac Howell, Peter Thomson, Benjamin Say and Joseph Warner, members of the said religious society and the survivor and survivors of them, and the heirs and assigns of such survivor forever in trust, for a burial ground for the use of the religious society of friends distinguished and known by the name of Free Quakers, in the city of Philadelphia:

And whereas the said religious society of friends, called Free Quakers, in the city of Philadelphia, have represented to the general assembly that the expenses incurred in erecting a meeting house for worship has exceeded the sum which they have been able to raise for that purpose, whereby they have been under the necessity of borrowing upon interest the sum of five hundred pounds, the principal whereof is now demanded of

¹Chapter 1231.

them, which it is extremely difficult, if at all practicable, for them to pay by any other means than by the sale of a part of the aforesaid described lots of ground assigned to them for a burial ground, and have prayed that a law may be passed to enable them to sell and convey a certain part of the said ground for the purpose of discharging the debt remaining unpaid for the building of their said meeting house: Therefore:

[Section I.]. (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Christopher Marshall, Joseph Stiles, Nathaniel Brown, Isaac Howell, Peter Thompson, Benjamin Say and Joseph Warner, and the survivors and survivor of them, and the heirs and assigns of the survivor of them, or a majority of them, shall be and they are hereby authorized, empowered and required to grant, bargain, sell and convey in fee simple, unto any person or persons, all or any part or parts of a certain lot of ground, being part of the ground granted as a burial ground for the use of the religious society of Free Quakers, in the city of Philadelphia, by an act of general assembly passed on the twenty-sixth day of August, one thousand seven hundred and eighty-six, entitled "An act for vesting certain city lots therein mentioned in trustees for a burial ground for the use of the religious society of Free Quakers, in the city of Philadelphia,"² situate on the west side of the Fifth street, from Delaware river, in the square between Walnut street and Spruce street, in the city of Philadelphia, containing in breadth on the said Fifth street sixty feet, and in length or depth ninety feet, bounded northward by ground now or late of John Taylor, eastward by Fifth street aforesaid, and southward and westward by other parts of the said burial ground, together with the appurtenances, for such consideration or sum and sums of money as the said trustees, or a majority of them, shall think fit, by and with the approbation of the monthly meeting of the said religious society of friends distinguished and known by the name of Free Quakers, in the

²See Ante.

city of Philadelphia, to be certified by a minute or minutes of their said monthly meetings, signed by their clerk for the time being, anything in the aforesaid recited act of the general assembly to the contrary hereof in any wise notwithstanding, and the moneys arising from the sale of said lots shall be applied to the payment and discharge of the debts incurred by the said society in erecting a meeting house for worship and to no other purpose whatsoever.

Passed April 10, 1793. Recorded L. B. No. —, p. —, (not given).

CHAPTER MDCLXXXIII.

AN ACT TO PROVIDE FOR THE ENUMERATION OF THE TAXABLE INHABITANTS OF THIS COMMONWEALTH.

Whereas it is ordained and established by the fourth section of the constitution of this commonwealth that “within three years after the first meeting of the general assembly, and within every subsequent term of seven years, an enumeration of the taxable inhabitants shall be made in such manner as shall be directed by law.”

[Section I.] (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the commissioners of the several counties of this commonwealth shall be and they are hereby authorized and required to cause the names and number of the taxable inhabitants actually residing within their respective counties to be carefully and accurately taken, for affecting of which purpose the said commissioners shall appoint an assistant for each ward, town, township or district within the city and their respective counties, which assistant shall have resided one year within the ward, town, township or district for which he shall be appointed. The said commissioners and their assistants shall respectively take an oath or affirmation before some judge or justice of the peace of their

respective city or county, who is hereby empowered and required to administer the same previous to their entering on the discharge of the duties by this act required. The oath or affirmation of the commissioners shall be—"I, A. B. do solemnly swear (or affirm) that I will well and truly cause to be made a careful and accurate return of all the taxable inhabitants actually residing within my county, and return the same to the governor of the commonwealth, agreeably to the directions of an act of the general assembly of this commonwealth, entitled 'An act to provide for the enumeration of the taxable inhabitants of this commonwealth,' according to the best of my ability." The oath or affirmation of an assistant shall be—"I, A. B. solemnly swear (or affirm) that I will make a careful and accurate enumeration of all the taxable inhabitants actually residing within the district assigned to me, and make due return thereof to the commissioners of said county, agreeably to the directions of an act of the general assembly of this commonwealth, entitled 'An act to provide for the enumeration of the taxable inhabitants of this commonwealth,' according to the best of my ability."

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said enumeration shall commence on or before the first day of June next, and shall close on or before the first day of October next ensuing, within which time the several assistants shall certify under their hands and seals and transmit to the county commissioners, by whom they shall respectively have been appointed, accurate returns of all the taxable inhabitants actually residing within the ward, town, township or district for which they shall have been appointed, with their names and additions.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That every assistant wilfully and negligently failing to make a return, or knowingly making a false return, of the enumeration to the said commissioners, within the time limited by this act, shall forfeit the sum of one hundred dollars.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said commissioners shall

file the several returns aforesaid with the clerks of the quarter sessions of their respective counties, who are hereby directed and enjoined to receive and carefully preserve the same, and the said commissioners respectfully shall on or before the first Tuesday in December next ensuing transmit to the governor of this commonwealth under their respective hands and seals duplicates of the several returns, with the aggregate amount of the taxable inhabitants actually residing within their respective counties, and the said commissioners wilfully and negligently failing to file the returns, or knowingly making a false return, of his or their assistants, or any of them, or wilfully and negligently failing to return under their respective hands and seals the duplicates aforesaid, with the aggregate amount of the taxable inhabitants actually resident within their respective counties and the city of Philadelphia, to the governor of this commonwealth, within the time limited by this act, shall, for every such offence, forfeit the sum of three hundred dollars, all which forfeitures shall be recoverable in the proper courts of the respective counties where the offences shall have been committed by action of debt or indictment; the one half thereof to the use of the commonwealth and the other half to the prosecutor or person who shall sue for the same; but where the prosecution shall be first instituted on behalf of the commonwealth, the whole forfeiture shall accrue to its use:

And for the more effectual discovery of offences against this act, the judges of the county courts of quarter sessions of the several counties, at their next sessions to be held after the expiration of the time herein allowed for making the returns of the enumeration hereby directed to the commissioners of the several counties of this commonwealth, shall give this act in charge to the grand juries in their respective courts, and shall cause the returns of the several assistants to be laid before them for their inspection.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That if the judges of the county courts aforesaid shall be of opinion that the enumeration aforesaid has not been accurately taken in any part of their respective counties, it shall and may be lawful for them to cause the same, or

any part thereof, to be revised, the proceedings wherein shall be conducted in like manner as other proceedings in the same behalf directed in this act, and shall be final and conclusive, and the persons appointed by the said judges to make such revision shall be entitled to the same reward and subject to the same penalties as the persons appointed to do the like services by the commissioners aforesaid.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the governor of this commonwealth shall, upon the receipt of the said returns, lay the same before the general assembly.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That every assistant shall receive such compensation for his services in making the said returns as to the said commissioners shall appear reasonable, not exceeding one dollar per day:

Provided always, that in any county where a county tax shall be laid between the time of passing this act and of making the return of the said lists to the county commissioners, the persons usually appointed by law to make the said returns to the county commissioners shall perform the duties required by this act without any further compensation than that already allowed by law in such cases, excepting only the allowance for making and setting up the lists hereinafter mentioned, which allowance, with the charges attending the enumeration, shall be paid out of the county stock of the respective counties.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That each assistant shall, ten days previous to his making his return to the said commissioners, cause a correct list, signed by himself, containing the names of the taxable inhabitants actually residing within his division, to be set up at two of the most public places within the same for the inspection of all concerned, for each of which lists the said assistant shall be entitled to receive the sum of one dollar.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That no prosecution for any delinquency or offence against this act shall be brought after twelve

months from and after the cause thereof shall have happened.

Passed April 10, 1793. Recorded L. B. No. —, p. —.

CHAPTER MDCLXXXIV.

AN ACT TO ENABLE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY FOR OPENING A CANAL AND LOCK NAVIGATION ON THE WATERS OF BRANDYWINE CREEK.

Whereas the improvement and extension of inland navigation in the state will not only be in many respects conducive to the interest of the commonwealth, but particularly advantageous to the good citizens thereof, by affording a cheap and easy transportation of the produce of the country to a convenient market, and it being represented to the legislature that a canal and lock navigation on the waters of Brandywine creek may be effected at the expense of individual citizens, if duly authorized and encouraged thereto by law.

[Section I.] (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Abijah Dawes, Joseph Parker Norris, Samuel Mickle Fox, Jonathan Harvey, Andrew Pettit, Hugh Roberts, John Fleming, Charles Dilworth, Nathan Scofield, Robert Hamilton, John Hayes and William Poole, be and they are hereby appointed commissioners to do and perform the several duties hereinafter mentioned; that is to say, they shall and may on or before the fifteenth day of May next procure a book or books and therein enter as follows, "We whose names are hereunto subscribed do promise to pay to the president and managers of the Brandywine canal navigation the sum of two hundred dollars for every share of stock in the said company set opposite to our respective names in such manner and proportions and at such times as shall be determined by the said president and managers, in pur-

suance of an act of general assembly, entitled 'An act to enable the governor of this commonwealth to incorporate a company for opening a canal and lock navigation on the waters of Brandywine creek,' and shall thereupon give notice in three of the public newspapers printed in Philadelphia, one whereof shall be in the German language, one calendar month at least, of the time and places when and where the said book or books will be opened to receive subscriptions of stock for the said company, at which time and places the said commissioners, or any three of them, shall attend and shall permit and suffer all persons who shall offer to subscribe in the said book or books, which shall for that purpose be kept open at least six hours every juridical day for the space of at least three successive days, and on any of the said juridical days within the hours aforesaid, any person of the age of twenty-one years shall have liberty to subscribe in his own name or in the name or names of any person or persons by whom he shall be authorized, for one share; on the second day, for one or two shares; on the third day, for one, two or three shares; and on any succeeding day, while the said books shall remain open, for any number of shares in the said stock, and if at the expiration of the said three first days, the said book or books shall not have one thousand five hundred shares therein subscribed, the said commissioners may adjourn from time to time until the said number of shares shall be subscribed, of which adjournment public notice shall be given in at least one public newspaper. When the said subscriptions in the said books shall amount to the respective numbers aforesaid, the same shall, respectively, be closed, and if on the day the said books shall be closed, and before the said subscriptions shall be declared full, application shall be made to subscribe more shares than will amount to the number aforesaid, then the said commissioners shall apportion the whole number of shares unsubscribed on the morning of that day among all those who shall have subscribed or offered to subscribe, as aforesaid, on the said day:

Provided always, that every person offering to subscribe in the said book or books in his own name, or any other name, shall previously pay to the attending commissioners ten dol-

lars for every share for which he may subscribe, out of which shall be paid the expenses of taking such subscriptions, the compensation to the commissioners and other incidental charges, provided that the compensation to the said commissioners shall not exceed two dollars to each of them for every day they shall be publicly employed in the said business, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized and the officers chosen, as hereinafter mentioned.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That when one hundred persons or more shall have subscribed five hundred shares in the said stock, the said commissioners may, or when the whole number of shares aforesaid shall be subscribed, they shall certify under their hands and seals the names of the subscribers and the number of shares subscribed by, or apportioned to, each subscriber, to the governor of this commonwealth, and thereupon it shall and may be lawful for the governor, by letters patent under the great seal of the state, to create and erect such subscribers into one body politic and corporate in deed and in law, with perpetual succession and with all the privileges and franchises incident to a corporation, by the name, style and title of, The President, Managers and Company of the Brandywine Canal navigation, and by such name the said subscribers and such others as may thereafter become shareholders, not exceeding the number of one thousand five hundred as aforesaid, shall be capable of holding their said capital stock and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfill the end and intent of this act, and of purchasing, taking and holding to them and their successors and assigns in fee simple, or for any less estate, all such lands, tenements, hereditaments, goods, chattels or other effects as shall be necessary for them in the prosecution of their work, and the same to sell and dispose of at their pleasure, and of doing every act, matter and thing which a corporation or body politic lawfully may or of right ought to do.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said president and managers to cause a navigable canal to be made on the east branch of Brandywine creek, beginning the same at some place near where the turnpike road leading from Philadelphia to Lancaster shall cross the same, and also a canal on the west branch of the said creek, at some place near where the said road shall cross the same, from thence along the said branches, respectively, and as near thereto as may be judged convenient, until the said canals shall intersect and be joined together near the junction of the said two branches, thence along the said Brandywine creek, keeping as near thereto as may be judged convenient to the line dividing this state from the state of Delaware; provided no part of the said work shall be commenced before the said president and managers shall have ascertained and paid for the value of the ground to be occupied by the said canal and works; also any damage which any person may sustain by means of the said canal passing through his grounds, or otherwise, agreeably to the method hereinafter mentioned.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That Josiah Matlack, Moses Coates, Rumford Dawes, Job Harvey and Samuel Hollingsworth be and they are hereby appointed commissioners, to view and lay down the courses and distances of the said canals, and return a plan thereof, with topographical observations thereon, to the next general assembly of this commonwealth, which said plan, being approved by the legislature, shall be pursued by the said president and managers, and shall not be altered or deviated from by them in the construction of the said canals, without leave first had and obtained in writing from the owner or owners of the land through which the course of the said canal so to be altered shall pass, or from the legislature of this commonwealth.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the seven persons first named in the said letters patent shall, as soon as conveniently may be after sealing the same, give notice in three public newspapers

of a time and place by them to be appointed, not less than thirty days from publishing such notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the said subscribers by ballots, to be delivered in person or by proxy, one president, twelve managers, one treasurer and such other officers as they shall think necessary to conduct the business of the said company, who shall continue in office for one year and until such other officers shall be elected, and shall and may make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of the commonwealth, as shall be necessary for the well ordering of the affairs of the said company:

Provided always, that no person shall have more than twenty votes on his own account in any election, or in determining any question arising at such meeting, whatever number of shares he may be entitled to, and that each person holding one or more shares under the said number of twenty shall be entitled to one vote for every share by him so held.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said company shall meet on the first Monday of June in each succeeding year, at such place as shall be fixed by the rules and orders of the said company, to be made as aforesaid, for the purpose of choosing such officers as aforesaid for the ensuing year, and at such other times as they shall be assembled by the managers, in such manner and form as shall be prescribed by their by-laws, at which annual or special meetings they shall have full power and authority to make, alter or repeal, by majority of votes in manner aforesaid, all such by-laws, rules, orders and regulations as aforesaid, and to do and perform every other corporate act.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall meet at such times and places, and be convened in such manner as shall be agreed on, for transacting their business, at which meetings seven members shall form a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions fairly entered

in a book or books to be kept for that purpose, and a quorum being met, they shall have full power and authority to agree with and appoint all such officers, artists and workmen as they shall judge necessary to carry on the intended works, and to fix their salaries or other wages, to ascertain the times, manner and proportions when and in which the stockholders shall pay the moneys due on their respective shares in order to carry on the work, to draw orders on the treasurer for all moneys necessarily expended, which orders shall be signed by the president, or in his absence, by a majority of a quorum, and countersigned by their clerk, and generally to do and perform all such other acts, matters and things as by the by-laws, orders and regulations of the company shall be committed to them.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall procure certificates, to be printed or written, for every share of the capital stock of the said company, and deliver one such certificate, signed by the president and countersigned by the treasurer and sealed with the common seal of the corporation, to each person for every share by him subscribed and held, he paying to the treasurer in part of the sum due thereon the sum of thirty dollars for each share, which certificate shall be transferable at his pleasure, in person or by attorney, in presence of the president or treasurer, subject, however, to all payments due and to become due thereon, and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for the purpose, shall be a member of the corporation and entitled to all the privileges and emoluments of the said company, and to vote as aforesaid at the meetings thereof.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That if any stockholder, after thirty days' notice in three public newspapers published in the city of Philadelphia, of the time and place appointed for the payment of any proportion of the said capital stock in order to carry on the work, shall neglect to pay such proportion at the place appointed for the space of twenty days after the time

so appointed for the payment thereof, every such stockholder, or his assignee, shall, in addition to the proportion so called for, pay after the rate of five per centum per month for every delay of such payment, and if the same and the said additional penalty shall remain unpaid for such a space of time as that the accumulated penalties shall be equal to the sums directed and appointed to be paid on account of the said share, then the said share and all the moneys thereon paid shall be forfeited to the company, and may be sold by them to any person or persons willing to purchase for such price [as] can be obtained therefor.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said president and managers by and with their officers, artists and workmen, with their tools and instruments, carts, wagons, carriages and beasts of draft or burden, to enter upon the lands, in, over, contiguous and near to which the route and tract of the said intended canals shall pass, first giving notice of their intention to the owners or possessors thereof, or their representatives, and doing as little damage thereto as possible, and repairing any breaches they may make in the inclosures thereof, and making amends for any damages which any person may thereby sustain, or by taking away stone, earth or other materials, which shall be ascertained by three indifferent persons, to be mutually chosen by the parties, or if they shall neglect or refuse to join in the choice, then by three disinterested persons to be appointed by any two justices of the peace, in the county where the damage may be done, and the sum of money so ascertained shall be the sum to be paid by the company and no more.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said president and managers to contract and agree with the owner or owners of any lands and tenements, for the purchase of so much thereof as shall be necessary for the purpose of making, digging and perfecting the said canal, and of erecting and establishing all the necessary locks, works and devices to such a navigation belonging if they can agree with such

owners, but in case of disagreement, or in case the owner thereof shall be a feme-covert, under age, non compos mentis, or out of the state, or otherwise incapacitated to convey, then it shall and may be lawful to and for the said president and managers to apply to two of the judges of the supreme court of this commonwealth, who, upon such application, are hereby authorized, empowered, enjoined and required to frame and issue one or more writ or writs, as occasion shall require, in the nature of a writ of ad quod damnum, to be directed to the sheriff of the county in which such lands and tenements shall be, describing the same and naming the owner thereof, and commanding the said sheriff that by the oaths and affirmations of twelve good and lawful men of his bailiwick, who shall be indifferent to the parties, he shall inquire whether the person or persons owning any lands and tenements necessary to be used by the said president and managers, or which shall be injured by the establishment of the said canal, will suffer and sustain any and what damages by reason or means of taking any such lands, tenements or other real hereditaments necessary for the use of the said canal and navigation, and the locks and works thereto belonging, and to return the same writ, together with the finding of the said jury, to the next supreme court of this commonwealth after such finding, and upon such writ being delivered to the said sheriff, he shall give at least ten days' notice in writing to the parties in the said writ named, or their representatives, of the time of executing the same, and shall cause to come upon the premises at the time appointed twelve good and lawful men of his bailiwick, who shall be selected in such manner as struck juries usually are, to whom he shall administer an oath or affirmation, that they will diligently inquire concerning the matters and things in the said writ specified, and a true verdict give according to the best of their judgment and ability, without favor or partiality to any, and thereupon the said sheriffs and inquest shall proceed to view all and every the lands and tenements or other real hereditaments in such writ specified, and having considered the quantity and quality of so much as shall be necessary to be vested in the said company for the purposes

aforesaid, they shall cause the same to be minutely and exactly described by metes and bounds, or other particular descriptions, and shall value and appraise the injury and damages which the owner or owners of such lands, tenements, hereditaments or other improvements will, according to their best skill and judgment, sustain and suffer, by means of the same being vested in the said company, or by means of any works being destroyed and rendered useless, or of less value, or by means of the said company being permitted to enlarge any pond or watercourse, and to use the same for the purpose aforesaid, or by any other means whatsoever, defining and ascertaining, as well all such lands and tenements, liberties and privileges, so to be vested in the said company, as the several sums at which the said injuries and damages shall be so assessed, and the said sheriff and jury shall make an inquisition under their hands and seals, distinctly setting forth all the matters and things aforesaid, and the sheriff shall forthwith return the same, together with the said writ, to the office of the prothonotary of the supreme court, and at the first supreme court which shall be held next after the return of any such writ, the judges of the said court shall examine the same, and if the said writ shall appear to have been duly executed, and the return thereof be sufficient to ascertain the lands and tenements, rights, liberties and privileges intended to be vested in the said company, and the several compensations awarded to the owners thereof, then the said court shall enter judgment that the said company, paying to the owners as aforesaid the several sums of money in the said inquisition assessed, or bringing the same into court for the use of such owners, and also paying the costs of the said writ, and of executing and returning the same, shall be entitled to have and to hold to them and their successors and assigns forever, all and every the lands, tenements, rights, liberties and privileges in the said inquisition described, as fully and effectually as if the same had been granted to them by the respective owners thereof, and if any return so to be made shall not be sufficiently certain for the purposes aforesaid, the said court shall award an inquisition de novo.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That whenever the said canal shall cross any public or private laid out road or highway, or shall divide the grounds of any person into two parts so as to require a bridge to cross the same, the jury who shall inquire of the damages to be sustained, in manner hereinbefore directed, shall find and ascertain whether a passage across the same shall be admitted and maintained by a bridge, and on such finding, the said president and managers shall cause a bridge, fit for the passage of carts, wagons and other carriages, to be built and forever after maintained and kept in repair at all and every the places so ascertained by the said jury, at the costs and charges of the said company, but nothing herein contained shall prevent any person from erecting and keeping in repair, any foot or other bridge across the said canal at his own expense, where the same shall pass through his ground, provided the same shall be of such a height above the water as shall be usual in the bridges erected by the company, and provided that such foot or other bridges so to be erected by the owners of such land shall not interfere with any of the locks or buildings, or other works of the said company.

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said president and managers, so soon as the said canal and navigation shall be perfected, and, by and with the authority and permission of the legislature of the state of Delaware, extended into the tide waters of the river Delaware, to appoint such and so many collectors of tolls for the passage of boats, vessels and rafts in, through and along the same, and in such places as they shall think proper, and that it shall and may be lawful for such toll collectors and their deputies to demand and receive of and from the persons having charge of all boats, vessels and rafts passing through the said canals and the locks thereto belonging, such tolls and rates, for every ton weight of the ascertained burden of the said boats and vessels, and for every hundred feet cubic measure of timber and twelve hundred feet board measure of boards, plank or scantling, in rafts, as the said president and managers

shall think proper, at any lock or other convenient place at the said canal:

Provided, that the amount of the said tolls shall not in the whole exceed the rate of six cents per mile for every ton of the burden of such vessel, and for every hundred feet cubic measure of timber and twelve hundred feet board measure of boards, plank or scantling.

[Section XIV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That in order to ascertain the size of rafts, and the tonnage of boats, using and passing the said canal navigation, and to prevent disputes between the supercargoes and collectors of toll respecting the same, upon the request of the owner, skipper or supercargo of such boat or raft, or of the collector of the said tolls, it shall and may be lawful for each of them to choose one skillful person, to measure and ascertain the size of the said rafts, or the number of tons which the said boat or vessel is capable of carrying, and to mark the said tonnage, so ascertained, in figures upon the head and stern of the said boat, in colors mixed with oil, and that the said boat or vessel so measured and marked shall be permitted to pass through the said canal and locks for the price which the number of tons so marked on her shall amount to, agreeably to the rates fixed in the manner aforesaid, and if the owner, skipper or supercargo of such boat or vessel shall decline choosing a person resident within two miles of the place where such tolls are payable, to ascertain the tonnage thereof, then the amount of such tonnage shall be fixed and ascertained by the person appointed for that purpose by the president and managers, or chosen by the said collectors of tolls for the said company, and the toll shall be paid according to such measurement, before any such boat or vessel shall be permitted to pass the place where such toll shall be made payable by the said company:

Provided always, that if any of the said boats shall have been marked on any other canal, the said collectors shall admit the same as the true rate of tonnage, unless they shall have cause to suspect that the same is not correct, in which case the same proceedings shall be had as are hereinbefore

directed, and a new mark may be painted without defacing the old mark.

[Section XV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That the collectors of tolls, duly appointed, may stop and detain all boats and vessels using the said canal and navigation, and also all rafts passing the same, until the owner, skipper or supercargo thereof shall pay the toll so as aforesaid fixed, or on default thereof, may distrain part of the cargo therein contained, or a part of such rafts, sufficient, by the appraisement of two credible, persons to satisfy the toll, which distress shall be kept by the collector of the toll taking the same for the space of five days, and afterwards sold by public auction at some public place in the neighborhood, in the same manner and form as goods distrained for rent are by law made salable, rendering the surplus, if any there be, after payment of the said toll and the costs of distress and sale, to the skipper, supercargo or owner thereof.

[Section XVI.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That the president and managers of the said company may demand and require of and from the said treasurer, and of and from all and every other the officers and other persons by them employed, bonds in sufficient penalties, and with such sureties as they shall by their rules, orders and regulations require, for the faithful discharge of the several duties and trusts to them, or any of them, respectively committed.

[Section XVII.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That the president and managers of the said company shall keep fair and just accounts of all moneys received by them from the subscribers to the said undertaking for their subscriptions thereto, and all penalties for delay or non-payment thereof, and of all moneys by them expended, and on what account the same was expended, and shall, at least once in every year, submit such account to a general meeting of the stockholders, until the work shall be completed, and until all the costs, charges and expenses of effecting the same shall be fully paid and discharged

and the whole amount of the said expenses adjusted and settled, and if the said works shall not then be sufficiently perfected, or from any casualty should be injured so as to require an increase of the capital stock, it shall and may be lawful to and for the said president, managers and company, at a general meeting of the stockholders thereof, held in pursuance of the provision of this act, or called by the president and managers of the company for the purpose, by public notice in three newspapers in manner aforesaid, (which notice shall be given at least three months previous to the opening any such subscription), to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, upon such terms and under such regulations and restrictions as the said stockholders may deem proper, and also to demand and receive such additional subscriptions from the stockholders, as at the said general or special meeting shall be agreed on.

[Section XVIII.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That the president and managers shall keep a just and true account of all and every the moneys received by their several and respective collectors of tolls on the said canal navigation, and of the moneys expended, and shall make and declare a dividend of the clear profits and income thereof (all contingent costs and charges being first deducted) among all the stockholders, respectively, and shall on every first Monday of July and January in every year publish the half yearly dividend to be made of the said clear profits to and among the stockholders, and of the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly.

[Section XIX.] (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall at the expiration of every third year from the date of their incorporation lay before the general assembly of this commonwealth, an abstract of their account showing the whole amount of the capital expended in erecting and establishing the said canal navigation and the whole income and profits arising from the same, together with the exact amount

of the contingent expenses of supporting, maintaining and keeping the same in repair for and during the said periods, to the end that the clear annual profits may be known, and if at the expiration of two years after the said canal navigation shall be completed, it shall appear that the said clear profits and income will not bear a dividend of six per centum per annum, on the whole capital stock of the said company so expended, it shall and may be lawful to and for the said president, managers and company to increase the rate of tolls hereinbefore allowed to them, so as to raise the dividend up to six per centum per annum, and if at any time it shall appear, by such abstract so rendered, that the clear profits and income of the said company will bear a dividend of more than twenty-five per centum per annum, then and in such case the rates of the said tolls shall be reduced, so that the clear profits and income shall not exceed twenty-five per centum per annum.

[Section XX.] (Section XX, P. L.) And be it further enacted by the authority aforesaid, That whenever the profits of the said company shall amount to a clear annual dividend of fifteen per centum per annum on the whole amount of their capital stock expended, there shall then be reserved one per centum per annum out of the same, which shall be applied, under the direction of the legislature, for the establishment of schools and the encouragement of the arts and sciences.

[Section XXI.] (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That nothing in this act shall be deemed or taken to authorize or empower the governor to incorporate any persons subscribing as aforesaid, or shall give any power or authority to such subscribers to do any act, matter or thing herein mentioned, until such time as the legislature of the state of Delaware shall by law vest the like power and authority in such subscribers, to extend the said canal navigation from the place where the same shall intersect the line dividing this state from the state of Delaware, in and through the same state, into the tide waters of the river Delaware, with as full and ample powers, privileges, franchises and emoluments as to the said subscribers are herein given, as far

as the said canal navigation may extend within the limits of this state, and the said subscribers having such authority, shall be incorporated, as aforesaid, and shall proceed in the said work with all convenient speed; and if the said company shall not proceed to carry on the said work within the space of two years after they shall have been incorporated, or shall not, within the space of seven years from the passing of this act, complete the said canal navigation, the water in the same being of the depth of three feet and of the width of twenty feet at the least, then and in either of those cases, it shall and may be lawful for the legislature of this commonwealth to resume all and singular the rights, liberties and privileges hereby granted to the said company.

[Section XXII.] (Section XXII, P. L.) And be it further enacted by the authority aforesaid, That if at any time hereafter the said president, managers and company shall think proper to extend the said canal navigation further up the branches of the said creek, or either of them, than is hereinbefore mentioned, they are hereby authorized and empowered to do the same, under the same regulations and restrictions, and with the same powers, privileges, franchises and emoluments as is hereinbefore mentioned.

Passed April 10, 1793. Recorded L. B. No. —, p. —. (not given).

Supplement passed March 19, 1794; Chapter 1720. Further supplement passed February 21, 1795; Chapter 1799.

CHAPTER MDCLXXXV.

AN ACT TO AUTHORIZE ANDREW PIERCE, OF ALLEGHENY COUNTY, TO KEEP IN REPAIR A MILL-DAM ACROSS A PART OF MONONGAHELA RIVER.

Whereas it has been represented to the general assembly, that it would be very beneficial to a number of the inhabitants of Washington and Allegheny counties, that a mill-dam erected across a part of Monongahela river by Andrew Pierce, of Allegheny county, which dam was begun prior to the said river

being declared an highway, should be suffered to remain and to be kept in repair, under certain restrictions.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That Andrew Pierce, of Elizabeth township and Allegheny county, his heirs or assigns, be and they are hereby empowered to keep in repair a dam erected across part of Monongahela river by the said Andrew Pierce, at the place within the township aforesaid where he has built a mill on the bank of the said river.

Provided however, that no part of the said dam shall be raised more than two feet above the low water mark, and that the said Andrew Pierce, his heirs or assigns, shall not extend the said dam further across the said river than it now does extend.

And provided also, that the said Andrew Pierce, his heirs or assigns, shall, within the term of three years from and after the passing of this act, erect a lock at or near the said dam, of open a canal or passage and lock into and through which canal or passage and lock boats of fifty feet in length, and fifteen feet in width, and drawing eighteen inches of water, may safely enter and pass at all times, when the water shall have risen twelve inches, and not exceeding four feet above the common low water mark in the said river, estimating the said rise of water at such pool within five miles thereof where there shall be the least velocity in the current of the said river, which said lock and canal or passage the said Andrew Pierce, his heirs and assigns, shall forever maintain and keep in repair, so that boats and rafts of the above dimensions and draft of water, or under, may at the times above mentioned, when the cable by ice, pass and repass in the same, and use and enjoy the benefit of the said lock and canal or passage, free of toll, and any and every other charge whatsoever, or otherways they shall lose the benefit of this act.

Passed April 11, 1793. Recorded L. B. No. —, p. —. (not given).

and respectively paid the consideration for the same, and the same shall be suffered to remain and under certain restrictions.

Provided, however, that no part of the said dam shall be more than two feet above the low water mark, and that the said Andrew Pierce, his heirs or assigns, shall not extend the said dam further across the said river than it now does

Be it enacted by the Senate and Representatives of the Commonwealth of Pennsylvania, General Assembly met, and it is hereby enacted with the concurrence of a majority of the same, That Andrew Pierce, of the county of Philadelphia, and Allegheny county, his heirs or assigns, be and lawfully are hereby empowered to keep in repair a dam on the east part of Monongahela river by the said Andrew Pierce, his heirs or assigns, shall not extend the said dam further across the said river than it now does

[Section III.] Be it enacted by the Senate and Representatives of the Commonwealth of Pennsylvania, General Assembly met, and it is hereby enacted with the concurrence of a majority of the same, That Andrew Pierce, of the county of Philadelphia, and Allegheny county, his heirs or assigns, be and lawfully are hereby empowered to keep in repair a dam on the east part of Monongahela river by the said Andrew Pierce, his heirs or assigns, shall not extend the said dam further across the said river than it now does

Provided also, that the said Andrew Pierce, his heirs or assigns, shall, within the term of three years from and after the passing of this act, erect a lock at or near the said dam, of sufficient length and breadth to admit of the passage and lock boats of fifty feet in length, and fifteen feet in breadth, and drawing eighteen inches of water, may safely pass at all times, when the water shall have risen five inches, and not exceeding four feet above the common water mark in the said river, estimating the said rise of water at such pool within five miles thereof where there shall be the least velocity in the current of the said river, which said lock and canal or passage the said Andrew Pierce, his heirs or assigns, shall forever maintain and keep in repair, so that the same shall be capable of receiving and passing the said boats and rafts of the above dimensions and draft of water, and may at any time pass and use the same, and use and enjoy the said lock and canal or passage, free of toll, and without any other tax, duty, or otherways they shall

Provided also, that the said Andrew Pierce, his heirs or assigns, shall, within the term of three years from and after the passing of this act, erect a lock at or near the said dam, of sufficient length and breadth to admit of the passage and lock boats of fifty feet in length, and fifteen feet in breadth, and drawing eighteen inches of water, may safely pass at all times, when the water shall have risen five inches, and not exceeding four feet above the common water mark in the said river, estimating the said rise of water at such pool within five miles thereof where there shall be the least velocity in the current of the said river, which said lock and canal or passage the said Andrew Pierce, his heirs or assigns, shall forever maintain and keep in repair, so that the same shall be capable of receiving and passing the said boats and rafts of the above dimensions and draft of water, and may at any time pass and use the same, and use and enjoy the said lock and canal or passage, free of toll, and without any other tax, duty, or otherways they shall

CHAPTER MDCLXXXVI.

AN ACT FOR ERECTING TWO SEPARATE ELECTION DISTRICTS IN THE
COUNTY OF BEDFORD.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the township of Woodbury, in the county of Bedford, shall, from and after the passing of this act, be erected into a separate election district, to be called the seventh district in the county aforesaid, and the freemen of the said district shall hold their annual elections at the house now occupied by William Hart, in the township and county aforesaid.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the township of Cumberland Valley, in the county of Bedford, shall, from and after the passing of this act, be erected into a separate election district, to be called the eighth district in the county aforesaid, and the freemen of said district shall hold their annual elections at the house now occupied by Peter Bugh, in the township and county aforesaid, anything in any law to the contrary notwithstanding.

Passed April 11, 1793. Recorded L. B. No. —, p. —. (not given).

CHAPTER MDCLXXXVII.

AN ACT TO VEST IN ABRAHAM RANKIN AND ANN NEBINGER, THE
WIFE OF GEORGE NEBINGER, TWO OF THE CHILDREN OF JAMES
RANKIN, SUCH PARTS OF HIS FORFEITED ESTATES AS HAVE NOT
BEEN SOLD FOR THE BENEFIT OF THE COMMONWEALTH.

Whereas it has been represented to the legislature that small portions of the estate of James Rankin, forfeited by his attain-

der, have never been sold or seized on behalf of the commonwealth, and George Nebinger has prayed that the same may be vested in Abraham Rankin and Ann Nebinger, the wife of said George Nebinger, two of the children of the said James Rankin: Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That all right, title, interest, property, claim and demand whatsoever, which the commonwealth has into and out of such parts of the estate, real and personal, of the said James Rankin, forfeited by his attainder, aforesaid, as has not heretofore been seized, sold, aliened or otherwise disposed of, by and on account of the public, shall be, and the same is hereby, granted, conveyed, assigned and set over unto Abraham Rankin and Ann Nebinger, the wife of George Nebinger, and their heirs, executors, administrators and assigns forever, as if the attainder of said James Rankin had not taken place.

Passed April 11, 1793. Recorded L. B. No. —, p. —. (not given).

CHAPTER MDCLXXXVIII.

A SUPPLEMENT TO THE ACT, ENTITLED "AN ACT TO INCORPORATE THE SUBSCRIBERS TO THE BANK OF PENNSYLVANIA."

Whereas doubts have arisen concerning the construction of the eleventh and fourteenth sections of the act, entitled "An act to incorporate the subscribers to the Bank of Pennsylvania": Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the moneys which the governor by the eleventh section of the act, entitled "An

act to incorporate the subscribers to the Bank of Pennsylvania,"¹ passed on the thirtieth day of March, one thousand seven hundred and ninety-three, is directed to cause to be paid to the president, directors and company of the Bank of Pennsylvania, towards payment of the subscription to be made to the said bank on behalf of the state, and also the moneys which the governor, by the fourteenth section of the act aforesaid, is directed to cause to be paid to the said president, directors and company of the said bank, towards payment of the loans to be obtained on behalf of the state from the said bank, shall be paid by the state treasurer, upon warrants of the governor, out of the moneys arising from any funds of this state whatsoever, after the appropriations that may have been, or shall, during the present session of the general assembly, be charged on the said funds, shall have been satisfied.

Passed April 11, 1793. Recorded L. B. No. —, p. —. (not given).

CHAPTER MDCLXXXIX.

AN ACT TO CONTINUE THE ACT, ENTITLED "AN ACT TO CONTINUE THE ACT FOR TRANSFERRING CERTAIN POWERS FORMERLY EXERCISED BY THE SUPREME EXECUTIVE COUNCIL, ALSO BY THE PRESIDENT OR VICE-PRESIDENT THEREOF, TO THE GOVERNOR OF THIS COMMONWEALTH."

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the act, entitled "An act to continue the act for transferring certain powers formerly exercised by the supreme executive council, also by the president or vice president thereof, to the governor of this Commonwealth,"² and all things therein contained and now in force,

¹Chapter 1667.

²Passed September 21, 1791, Chapter 1580.

shall be extended to the thirtieth day of November next, and from thence until the end of the next session of the general assembly, and no longer.

Passed April 11, 1793. Recorded L. B. No. —, p. —. (not given).

CHAPTER MDCXC.

AN ACT TO PROVIDE FOR THE ACCOMMODATION OF THE CONGRESS OF THE UNITED STATES.

Whereas it is found that the building at present occupied by the congress of the United States will not be sufficiently large for their accommodation, in consequence of the representation from the different states having become enlarged by the late enumeration of the inhabitants of the said states.

[Section I.] (Section I, P. L.) Be it therefore enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the sum of six thousand six hundred and sixty-six dollars and sixty-seven cents, be granted to the commissioners of the county of Philadelphia, to be taken out of the aggregate fund, for the purpose of enlarging the building at present occupied by the two houses of the congress of the United States, and that so much of the ground of the state house square, as may be requisite for this purpose, be granted to the said commissioners for the purpose aforesaid; provided the quantity do not exceed forty feet in depth on Sixth street, commensurate with the width of the said building: .

Provided, however, That the commissioners, aforesaid, shall prepare in the room of the senate of the United States, a gallery calculated for the admission of the citizens of the United

States, to hear the debates of that house, whenever the senate of the United States may agree to open the doors of the senate chamber for that purpose.

Passed April 11, 1793. Recorded L. B. No. —, p. —. (not given).

Supplement passed April 11, 1795; Chapter 1830.

CHAPTER MDCXCI.

AN ACT FOR THE RELIEF OF FLEMING WILSON.

Whereas Fleming Wilson, of Northumberland county, has represented to this house, that a tract of land, now his property, was mortgaged by John Stevens, the original grantee of the said tract, to the trustees of the loan office, erected in the year one thousand seven hundred and seventy-three, subsequent to the transfer of the said tract by the said John Stevens to Cornelius Vincent and Samuel Gould, from whom the said Fleming Wilson derives his title, and that the said Fleming Wilson at the time he purchased the said tract was unacquainted with the mortgage aforesaid.

[Section I.] (Secceion I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That no further proceedings be had against Fleming Wilson on account of a debt due to the commonwealth, upon a mortgage given by John Stevens to the trustees of the loan office, erected in one thousand seven hundred and seventy-three, for the term of three years from and after the passing of this act.

Provided, nevertheless, That he pay the sum or sums of money by him due, with the costs accruing thereon, in three equal and yearly payments, the first payment to be on or before the first day of January next.

Passed April 11, 1793. Recorded L. B. No. —, p. —. (not given).

CHAPTER MDCXCII.

A FURTHER SUPPLEMENT TO THE ACT, ENTITLED "AN ACT TO
REGULATE THE FISHERIES IN THE RIVER SCHUYLKILL."¹

Whereas, in order to improve the navigation of the river Schuylkill, dams have been erected therein, by reason whereof the channel in many places has become very narrow and contracted. Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That if any person or persons from and after the passing of this act shall set up, fix or fasten any kind of hoop-net, or other net or nets, or other device or obstruction whatsoever, across any navigable channel of the river Schuylkill, whereby the fish may be obstructed from going up the said river, or shall, during his or their fishing in the said river, employ any person or persons to obstruct the fish passing up through the said narrow channels, by riding in the same or beating the water with poles, every such person or persons so offending or who shall be aiding or assisting therein, and being thereof convicted before any justice of the peace, where he or they shall be apprehended, which justice is hereby authorized to hear, try and determine the same, shall forfeit the sum of sixty dollars for every such offence, to be paid to the informer or prosecutor, or suffer two months' imprisonment, saving to the parties, respectively, the right of appeal from the judgment of said justice to the next court of quarter sessions of the peace, of the proper county, upon condition that he or they give security to prosecute the same to effect.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the owner or owners of fishing

¹ Passed March 28, 1785; Chapter 1146.

places, or parts used as fisheries, within the said river, shall give a particular description of the same, together with their names, to the nearest magistrate on that side of the river where he, she or they shall dwell, who shall enter the same in a book to be kept for that purpose, for which he shall receive the sum of twenty cents, to be paid by such owner or owners thereof, and the said owner or owners shall moreover, during the fishing seasons, have and keep their names written in legible characters on a board, which shall be affixed at the place of drawing out the seine and exhibited to full view, and any person or persons neglecting or refusing to give a particular description of his, her or their fishing place, and enter his, her or their names, as aforesaid, with the nearest justice, as aforesaid, or who shall not exhibit his, her or their names on a board, as is before directed, shall, in either case, forfeit the sum of fourteen dollars, to be paid to the informer or prosecutor of such offence, shall be committed, saving the liberty of appeal to such parties, respectively, as is mentioned in the first section of this act.

(Section III, P. L.) Whereas disputes have arisen between the owners or superintendents of the several bridges on the river Schuylkill and the owners or persons having the charge of boats or rafts, which have occasion to ascend or descend the said river, with respect to opening the said bridges for the accommodation of the said boats or rafts. And whereas it is necessary that the causes from which those disputes have proceeded should be removed, as far as may be consistent with the interests of the parties and the public at large: Therefore:

[Section III.] Be it enacted by the authority aforesaid, That from and after the passing of this act, the owners or superintendents of the several bridges on the river Schuylkill, shall, within one hour after an application shall be made to such owners or superintendents by an owner or person having the care or direction of a boat or boats or rafts, open the same for the passage of such boat or boats or rafts, without fee or reward.

Passed April 11, 1793. Recorded L. B. No. —, p. —. (not given).

CHAPTER MDCXCIII.

AN ACT FOR EXTENDING THE BENEFITS EXPERIENCED FROM THE INSTITUTION OF THE PENNSYLVANIA HOSPITAL.

Whereas it appears from the accounts annually laid before the legislature, and from other authentic documents, that the institution of the Pennsylvania Hospital hath been extensively useful, not only to the diseased and unfortunate in body and mind of this state, but to those in like circumstances from other states and countries, and that the limits of the present building are insufficient to receive the number of patients, which from the increased population of this state and the intercourse with other states and countries, are daily applying for admission to the benefits of the institution, and from the mode of conduct pursued in the said house by the managers and physicians thereof, the legislature are firmly persuaded that the grant hereinafter contained will not only meet the approbation of their constituents, but of the friends of humanity throughout the civilized world, to whom a knowledge thereof shall come, and whereas the extending the usefulness of the institution to the further purposes of a lying-in foundling hospital is deemed to be an object deserving of public encouragement: Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That twenty-six thousand six hundred and sixty-six dollars and sixty-seven cents be, and they are hereby, granted to the contributors to the Pennsylvania Hospital, for the uses and purposes hereinafter mentioned, out of the principal and interest which now is, or on the first day of January last was, or hereafter may, become due to this commonwealth, in pursuance of an act passed on the

twenty-sixth day of February, one thousand seven hundred and seventy-three, entitled "An act for emitting the sum of one hundred and fifty thousand pounds in bills of credit on loan, and providing a fund for the payment of public debts,"¹ and of the bonds, mortgages and other securities which have been taken by the loan officer, in pursuance of the said act, and which are now in the possession and custody of the state treasurer, [at] it shall and may be lawful for the state treasurer, at the request of the treasurer of the contributors to the Pennsylvania Hospital, at any time after the passing of this act, to pay over to the said treasurer, all such money as shall have been paid into the treasury of this commonwealth since the said first day of January last, in discharge of the said bonds, mortgages and other securities, taken in pursuance of the said act, and to assign, transfer, and set over to the managers of the Pennsylvania Hospital, all the said bonds, mortgages and securities now in his possession, whereon any part of the said principal and interest may at the time of such assignment remain due, taking receipts therefor from the said treasurer of the contributors to the Pennsylvania Hospital, which receipts shall be available to the state treasurer in the settlement of his account with this commonwealth.

Provided always nevertheless, That previous to the payment of the said moneys, or the assignment of the said securities, or any of them, such sufficient security, as shall be approved by the governor of this commonwealth, shall be given by the said managers on behalf of the said institution, with condition that they and their successors shall use their utmost endeavors to collect the moneys due on the said securities, and shall, within three years from and after the passing of this act, pay to the treasurer of this commonwealth, such surplus as may remain in their hands (beyond the said sum of twenty-six thousand six hundred and sixty-six dollars and sixty-seven cents), together with interest thereon, from the time of their receiving the same.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the managers of the said con-

¹ Chapter 672.

tribution and hospital shall be, and are hereby, appointed trustees, for the purpose of collecting the moneys due as aforesaid, and shall have, use, exercise and enjoy the same powers and authorities, which by the said recited act were given to the trustees of the said loan office, and by the ninth section of an act passed on the first day of April, one thousand seven hundred and ninety, entitled "An act to enforce the due collection of the revenues of this state, and for other purposes therein mentioned,"¹ were transferred to and vested in the treasurer of the state, touching the collection of the same.

Provided, That nothing in this act contained, shall in any degree affect such proceedings as have already taken place, for the recovery of any of the moneys due on the said bonds, mortgages or securities, but the same shall be conducted in the same manner and form as if this act had not been passed, excepting only that the said managers shall, as trustees aforesaid, conduct and superintend the same, in the same manner as the state treasurer might or could otherwise have done.

And provided also, That nothing in this act contained, shall in anywise be construed to affect such exonerations from, or extensions of the time of making payment of any of the moneys due or to become due, in manner aforesaid, as the legislature have or hereafter may think just and necessary, on behalf of any of the said obligors or mortgagors, who have been or may hereafter be liable to pay the same.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the contributors to the Pennsylvania Hospital shall, and they are hereby enjoined and required to expend the moneys hereby granted, in the erection, finishing and furnishing, for the accommodation of the diseased in body and mind, one building fronting the west part of their hospital lot, at the same distance from Ninth street as the present building is distant from Eighth street, and of the same form so as to be a wing in all respects, as nearly as may be uniform thereto in external appearance, and with such variation in the internal apartments, as experience has shown to be necessary

¹Chapter 1506.

for the better accommodation of lunatics and persons disordered in mind, and other patients, and one other building to connect the said wings, for the accommodation of the managers, physician, apothecary, steward, matron and other officers and servants of the said hospital, and for a library and other offices necessary thereto, and to render an account to the general assembly within the month of January in every year, from January, one thousand seven hundred and ninety-five, inclusive, until the said building shall be finished, of the moneys by them received and expended in the prosecution of the said buildings in pursuance of this act.

(Section IV, P. L.) And whereas the extension of the buildings of the said Pennsylvania Hospital hereby provided for, will necessarily increase the expense of maintaining the increased number of patients therein to be admitted, and the benevolence of generous and charitable persons willing to contribute to the support of the institution ought to be aided by every means in the power of the legislature, and it is represented that considerable sums of money have for some time remained in the hands of the commissioners of bankrupts, unclaimed by the persons to whom the same, respectively, belong, and it will afford an additional security to the persons entitled to the same, to place them in the hands of a permanent corporate body, subject to such claims.

[Section IV.] Be it therefore enacted by the authority aforesaid, That the commissioners of bankrupts, appointed by the president of the supreme executive council or by the governor of this commonwealth, in pursuance of an act of the general assembly of Pennsylvania,¹ passed the sixteenth day of September, one thousand seven hundred and eighty-five, and the acts amending the same, shall, on or before the first day of February next, make out just and true accounts of their administration of the estate and effects of all and every the bankrupts of whom they have been or are commissioners, containing the neat amount of the produce of each bankrupt's estate and effects, and of the aggregate amount of debts due from each

¹Chapter 1183.

bankrupt, and of the dividend or dividends thereof declared and advertised, and of the time of payment of the same, and of the surplus undivided and remaining in their hands, of each respective estate, and of the creditors to whom they have paid their respective dividends, and of those who have not applied for and demanded the same, and shall certify such accounts under their hands and seals, or the hands and seals of the major part of the survivors of them, and deliver the same to the master of the rolls of the commonwealth, to be recorded in his office, and shall pay the net amounts of the said unclaimed dividends and surpluses, after the expiration of the term aforesaid, respectively, to the treasurer of the contributors to the Pennsylvania Hospital, taking his receipts for the same, and he paying the costs of making out and recording the said accounts, which receipts shall forever discharge the said commissioners of bankrupts, and the survivors and survivor of them, and his executors and administrators, of and from all claims from the creditors of the bankrupts, in such accounts mentioned, for the respective sums therein contained and paid over for dividends and surpluses, and in lieu of the said commissioners, the contributors to the Pennsylvania Hospital shall become, and be and remain, liable to the said non-claiming creditors of such bankrupts, for all and every sum and sums of money by their treasurer received and contained in such accounts and receipts, whensoever the same shall be lawfully demanded by the respective creditors, their executors, administrators or assigns.

Provided nevertheless, That such demand or claim shall be liable to the same limitations as other debts and demands are by law liable to.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That if the commissioners of bankrupts in any commission named, or the survivor or survivors of them, upon reasonable request of the treasurer of the contributors to the said Pennsylvania Hospital, and tender of a sufficient sum to pay the costs of making out and recording the accounts hereinabove mentioned, shall neglect or refuse to make out and certify the same, and pay the said unclaimed dividends in manner aforesaid, they, and the survivor and sur-

vivors of them, and his executors and administrators, shall forfeit and pay to the contributors to the Pennsylvania Hospital, the sum of two hundred dollars for every such neglect or refusal, to be recovered by action of debt, in any court of record within this commonwealth having competent jurisdiction of such demands.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That as the relief of unfortunate women laboring in child birth and not able to provide for the expenses necessarily incident thereto, and also the misfortunes of suffering and forsaken infancy, are objects very deserving of some humane provision, it shall and may be lawful for the managers of the Pennsylvania Hospital to provide commodious apartments, for the purpose of answering the ends intended by a lying-in and foundling hospital, whenever moneys shall be placed in their hands for such a purpose, and that they are hereby authorized to call for any such sums as may now be detained for such an use, whenever they shall be in a situation to carry the benevolent design, for which such moneys were granted, into full effect, anything in the constitution or charter of the said hospital to the contrary thereof notwithstanding.

Passed April 11, 1793. Recorded L. B. No. —, p. —. (not given).

See the act of May 11, 1751; Chapter 390, incorporating the Hospital. For the Bankrupt Laws see Act of September 16, 1785. Chapter 1183. See Act of April 18, 1794; Chapter 1746, extending limit of time in Section IV P. L. Supplement passed April 4, 1796. Chapter 1908.

CHAPTER MDCXCIV.

AN ACT TO APPROPRIATE CERTAIN SUMS OF MONEY FOR THE LAYING OUT, OPENING AND IMPROVING SUNDRY ROADS WITHIN THIS COMMONWEALTH, AND FOR OTHER PURPOSES THEREIN MENTIONED.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of

Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the following sums be respectively appropriated for viewing and laying out on the most eligible ground the following roads; that is to say: For viewing and laying out a road from Philadelphia to the Borough of York, in York county, through West Chester and Strasburg, and crossing Susquehanna at the place commonly called the Blue Rock, four hundred dollars; for viewing and laying out a road from McCall's Ferry, on Susquehanna, to the line of the state of Delaware, by the way of the cross roads, in New London township, Chester county, three hundred dollars; for viewing and laying out a road from Prather's, on the top of the Allegheny mountain, in Bedford county, to the west side of the Chestnut ridge, otherwise called Laurel hill, through Berlin, and thence, as near as may be in a westerly course, three hundred dollars; for viewing and laying out a road from Spiker's, at the foot of the Allegheny mountain, to Cherry's mill, on Jacob's creek, two hundred dollars; for viewing and laying out a road from Reading to Presque Isle, one thousand three hundred and thirty-three dollars; and for viewing and laying out a road from Strasburg, in Lancaster county, to the line of the state of Delaware, towards Newport, three hundred dollars; and the governor shall appoint three commissioners, respectively, for the purpose of viewing and laying out each of the roads aforesaid.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the following sums be respectively appropriated for opening and approving the following roads, assisting in erecting the hereinafter mentioned bridges; that is to say: For completing the road extending from the west end of High street, of the city of Philadelphia, through the county of Philadelphia, to the line of the county of Delaware, two hundred dollars; for improving the road from Perkiomen to the Swamp Meetinghouse, in Rockhill township, two hundred dollars; for improving the road from Tohiccen to the Springfield Meetinghouse, through Haycock township, two hundred dollars; for improving the road from Brackenridge's to the Northampton county line, eighty dollars; for assisting in erect-

ing a bridge over Perkiomen Creek, two thousand three hundred dollars; for erecting bridges over Clark's creek and Powell's creek, in Middle Paxton township, Dauphin county, and for improving the road over Peter's Mountain, from John Ayre's farm to McCall's tavern, seven hundred and twenty dollars; for completing the road over Black's gap, in addition to a former grant, three hundred dollars, part of which shall be applied for the purpose of erecting a bridge over Conegocheague Creek, in said gap; for erecting bridges over Conegocheague and Conedogwinit creeks, on the state road from Shippensburg to Bedford, three hundred dollars; for improving the road from the Burnt Cabbins, to the east side of Sideling hill, by way of Fort Littleton, two hundred dollars; for improving and completing the road from Philadelphia to Sunbury, to be applied to that part of the road lying between the west side of the Broad mountain to Titsworth's tavern, eight hundred dollars; for improving the road over Trent's gap, in Cumberland and York counties, three hundred dollars; for improving that part of the road leading from Carlisle into Sherman's valley, which extends over the North mountain, and to cross the same at or near Hurley's gap, three hundred dollars; for improving the road leading up Juniata river, from the mouth of a small run on the south side of the Buffalo hill, in Greenwood township and Cumberland county, to the mouth of a small run, called Wildcolt run, in the said township, two hundred dollars; for improving the road from Spiker's to Cherry's mill, three hundred dollars; for improving a road from the top of the Winding ridge, on the Maryland line, to the west side of Laurel hill, near Uniontown, five hundred dollars; for laying out and improving a road, beginning at or near the line dividing the counties of Lancaster and Chester, on the northwest side of the Welch mountain, in the Paxton road, and from thence to the road leading from Philadelphia to the borough of York, so as to intersect the same in the township of Bradford, Chester county, four hundred dollars, two hundred dollars of which sum to be appropriated for that part of the road between Lancaster county line and James Green's tavern, also that one hundred dollars of the residue shall be appropriated for the mending the road from the said

James Green's tavern to Brandywine, near Downings Town; for laying out and improving a road leading from McCall's or Newberry's ferry, on the river Susquehanna, so as to intersect the road leading from Yorktown to Peachbottom ferry, between William Dougherty's and Charles William Porter's, on said road, two hundred dollars; for improving that part of the state road leading from Bedford to Pittsburg which extends from Turtle creek to Pittsburg, five hundred dollars; for improving the road from Frankstown to Pittsburg, in addition to former grants, five hundred dollars; for opening and improving the road from Wilkesbarre to Wyalusing, seven hundred dollars; for improving the road from Fort Penn to the partage between Delaware river and Shohoking creek, in addition to former grants, four hundred dollars; for improving the road from the Lehigh watergap, across the Matchunk mountain, to intersect the Nescopeck road, in addition to former grants, four hundred dollars; for improving the road from George Brown's, through the little gap of the Blue mountain, two hundred dollars; for improving the road between Lewistown, in Mifflin county, and Huntingdon town, four hundred dollars; for opening and improving a road from Lewistown to Penn's Valley, four hundred dollars; for opening the state road from Peachbottom ferry, on the river Susquehanna, to the Maryland line, towards the waters of Christiana, five hundred dollars.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the two hundred pounds appropriated by a former law towards opening and improving a road from Cherry's mill to the top of Laurel Hill, shall be applied, together with the three hundred dollars granted by the next preceding section of this act, towards opening and improving the road from Spiker's to Cherry's mill.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the governor shall be empowered to make contracts for the opening and improving the roads in this act mentioned, either with individuals or with companies, and to employ agents of information for that purpose, in the same manner as he could do by virtue of the act, en-

titled "A supplement to the act, entitled 'An act to provide for the opening and improving sundry navigable waters and roads within this commonwealth,' "¹ passed on the tenth day of April, one thousand seven hundred and ninety-two, and the moneys by this act appropriated, shall be paid out of the fund appropriated by law to the improvement of roads for the years one thousand seven hundred and ninety-two and one thousand seven hundred and ninety-three.

[Section V.] (Section V, P. L.) Be it further enacted by the authority aforesaid, That so much of the eleventh section of the act, entitled "An act to provide for the opening and improving sundry navigable waters and roads within this commonwealth,"² passed the thirteenth day of April, one thousand seven hundred and ninety-one, as directs the annual appropriation of five thousand pounds from and after the present year, for the purposes mentioned in the said section, be and the same is hereby repealed.

Passed April 11, 1793. Recorded L. B. No. —, p. —, (not given).

Suspended by Act of April 19, 1794. Chapter 1752. See Act of April 22, 1794, as to further appropriation for road from Wilkes-Barre to Wyalusing.

CHAPTER MDCXCV.

AN ACT TO AUTHORIZE THE GOVERNOR OF THIS COMMONWEALTH TO INCORPORATE A COMPANY FOR BUILDING A BRIDGE OVER THE RIVER SUSQUEHANNA, AT OR NEAR THE BLUE ROCK, ABOUT FOUR MILES BELOW WRIGHT'S FERRY, IN THE COUNTY OF LANCASTER.

Whereas it hath been represented by a number of the inhabitants of this commonwealth, that the erecting a good and permanent bridge across the river Susquehanna, at or near the Blue Rock, on the Lancaser side of said river, to Pleasant Garden, on the other side, in the county of York, about four miles below Wright's ferry, would greatly benefit the trade and general interest of this commonwealth: Therefore:

¹ Chapter 1645.

² Chapter 1569.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That James Short, George Duffin, Jacob Treat, Jacob Carpenter, Samuel Mickle Fox and John Hannum be, and they are, hereby appointed commissioners to do and perform the several duties hereinafter mentioned; that is to say: They shall and may, on or before the third Tuesday in May next, procure four books, and therein enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the president, managers and company for building a bridge over the river Susquehanna, the sum of one hundred and fifty dollars for every share of stock in the said company set opposite to our respective names, in such manner and proportions, and at such times, as shall be determined by the president and managers, in pursuance of an act of the general assembly of this commonwealth, entitled "An act to enable the governor of this commonwealth to incorporate a company for building a bridge over the river Susquehanna. Witness our hands the—— day of——in the year of our Lord——," and shall thereupon give notice in three of the public newspapers in Philadelphia, Lancaster and York, one whereof shall be in the German language, for one calendar month at least, of the time and place, in the city of Philadelphia, borough of Lancaster and Yorktown and Strasburgh, when and where the said books shall be open to receive subscriptions of stock for the said company, at which respective times and places some one of the said commissioners shall attend, and shall permit and suffer all persons who shall offer to subscribe in the said books, which shall for that purpose be kept open at least six hours in every juridical day, for the space of at least three successive days, if three days shall be necessary, and in any of the said juridical days, within the hours aforesaid, any person of the age of twenty-one years shall have liberty to subscribe in his own name, or by any other names, by whom he shall be authorized, for one share; on the second day, for one, two or three shares; and on any succeeding day, while the said book or books shall remain open, for any number of shares in

said stock; and if at the expiration of the said three first days, the said book opened at Philadelphia shall not have two hundred and fifty shares therein subscribed, and the book opened at Lancaster shall not have one hundred shares therein subscribed, and the said book opened at Yorktown shall not have one hundred and fifty shares therein subscribed, and the said book opened at Strasburgh shall not have two hundred shares therein subscribed, the said commissioners, respectively, may adjourn from time to time until the said number of shares shall be subscribed, of which adjournment public notice shall be given in each place; and when the said subscriptions in the said books shall amount to the respective numbers aforesaid, the same shall be respectively closed; and if on that day, and before the said subscriptions shall be declared to be full, applications shall be made to subscribe more shares than will fill the said books, or either of them, to the numbers aforesaid, respectively, then the said commissioners, respectively, shall apportion the whole number of shares unsubscribed at such respective place on the morning of that day, among all those who shall have subscribed, or offered to subscribe, as aforesaid, on that day, by deducting from the subscribers of more shares than one, such proportion of the shares by them respectively subscribed as will, with the least fraction and leaving every person one or more shares, come nearest to the exact numbers of shares aforesaid:

Provided always, That every person offering to subscribe in the said books in his own name, or any other name, shall previously pay to the attending commissioners ten dollars for every share to be subscribed, out of which shall be defrayed the expenses attending taking of such subscriptions and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation, as soon as the same shall be organized and the officers chosen as hereinafter mentioned.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That when fifty or more shall have subscribed five hundred or more shares of the said stock, the said commissioners, respectively, may, and when the whole number of shares aforesaid shall be subscribed, they shall cer-

tify under their hands and seals, the names of the subscribers and the number of shares subscribed by or apportioned to each subscriber, to the governor of this commonwealth, and thereupon it shall and may be lawful for the governor by letters patent, under his hand and seal of the state, to create and erect the subscribers; and if the said subscriptions be not full at the time, then also those who shall after subscribe to the numbers aforesaid, into one body politic and corporate in deed and in law, by the name, style and title of "The President, Managers and Company for building a bridge over Susquehanna," and by the said name the said subscribers shall have perpetual succession and all privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfill the intent of this act, and of purchasing, taking and holding to them and their successors and assigns, in fee simple or for any less estate, all such lands, tenements, hereditaments and estate, real and personal, as shall be necessary to them in the prosecution of their works and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the six persons first named in the said letters patent shall, as soon as conveniently may be after sealing the same, give notice in two of the public papers of Philadelphia, Lancaster and York, one whereof shall be in the German language, of a time and place by them to be appointed, not less than twenty days from the time of issuing the first notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose, by a majority of votes of the said subscribers, by ballot to be delivered in person or by proxy duly authorized, one president, five managers, one treasurer, and such other officers as they

shall think necessary to conduct the business of the said company, for one year and until such other officers shall be chosen, and may make such by-laws, rules, orders and regulations, not inconsistent with the laws of this commonwealth, as shall be necessary for the well ordering the affairs of the said company.

Provided always, That no person shall have more than five votes at any election, or in determining any question arising at such meetings, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held under the said number.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the said company shall meet on the first Monday of January every year in each succeeding year, in such place as shall be fixed by the rules and orders of the said company to be made as aforesaid, for the purpose of choosing such officers as aforesaid for the ensuing year, and at such other times as they shall be assembled by the managers, for the purpose of making by-laws, rules, orders and regulations not inconsistent with the constitution and existing laws of this state, as shall from time to time be necessary, of which meetings previous notice shall be given in such manner as shall be provided by such by-laws, rules and orders.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the president and managers first to be chosen as aforesaid, shall procure certificates, to be written or printed, for all the shares of the stock of the said company, and shall deliver one such certificate, signed by the president, and countersigned by the treasurer and sealed with the seal of the corporation, to each person for every share by him subscribed and held, he paying to the treasurer in part of the sum due thereupon the sum of forty dollars for each share, which certificate shall be transferrable at his pleasure, in person or by attorney, in presence of the president or treasurer, subject, however, to all payments due or that may grow due thereon; and the assignee holding any certificate, having

first caused the assignment to be entered in a book of the company to be kept for the purpose, shall be a member of the corporation, and for every certificate by him held, shall be entitled to one share of the capital stock and of all the estate and emoluments of the company, and to vote as aforesaid at the meetings thereof.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall meet at such times and places, and be convened in such manner, as shall be agreed on, for transacting their business at such meetings. Three members shall form a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book, and a quorum being met, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists and other officers, as they shall think necessary to carry on said bridge, and to fix their salaries and other wages; to ascertain the times, manner and proportions when and in which the stockholders shall pay the moneys due on their respective shares, in order to carry on their work; to draw orders on the treasurer for all moneys to pay the salaries of persons by them employed, and for the materials and labor done and provided, which shall be signed by the president, or in his absence by a majority of a quorum, and countersigned by their clerk; and to do and transact all such other acts, matters and things as by the by-laws, rules, orders and regulations of the company shall be committed to them.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That if any stockholder, after thirty days' notice in three of the public papers printed in the city of Philadelphia, York and Lancaster, as aforesaid, of the time and place appointed for the payment of any proportion or dividend of the said capital stock, in order to carry on the work, shall neglect to pay such proportion at the time appointed, for the space of sixty days after the time so appointed, every such stockholder, or his assignee, shall, in addition to the dividend so called for, pay after the rate of five per

centum per month for every delay of such payment; and if the same and the said additional penalties shall remain unpaid for such space of time as the accumulated penalties shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to said company, and may and shall be sold by them to any other person or persons willing to purchase for such price as can be obtained therefor.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the president and managers aforesaid, their superintendents, engineers and artists of every kind, to enter into and upon all the lands, tenements and enclosures near to where the said bridge is to be built, and to take all the stones convenient in the fish dams, and to examine the ground most proper for the purpose of the quarries of stone, gravel or sand, and other materials necessary for building said bridge, and that it shall and may be lawful for the said managers, overseers, superintendents, or any other persons employed in building said bridge, to enter with horses, wagons, carts, sleds or sleighs, or beasts of burden or draught of any kind whatsoever, that shall be employed in building said bridge, by first giving notice to the owners thereof, they doing as little damage as possible, and repairing any breaches of fences they may have occasion to make in the inclosure thereof, and making amends for any damages that may be done to any improvements thereon, by agreement, if they can agree, or if they cannot agree, then upon appraisement to be made as hereinafter directed, upon oath or affirmation by three indifferent freeholders, or any two of them agreeing, to be mutually chosen, or if the owners, upon due notice, shall neglect or refuse to join in the choice, then to be appointed by any justice of the peace of the county not interested on either side, and tender of the appraised value, to dig, take and carry away any stone, gravel, sand or earth, there being most conveniently situated, for making or repairing the said bridge.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the president and managers

of the said company shall keep fair and just accounts of all moneys received by them from the said commissioners, and from the subscribers to the said undertaking, on account of their several subscriptions, and of all penalties for delay in the payment thereof, and the amount of the profits on shares that may be forfeited as aforesaid, and also of all moneys by them expended in the prosecution of the said work, and shall at least once in every year submit such accounts to a general meeting of the stockholders, until the said bridge is completed and until all the costs, charges and expenses for effecting the same shall be fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained, and if, upon such liquidation, or whenever the whole capital stock of the said company shall be nearly expended, it shall be found that the said capital stock is not sufficient to complete the said bridge according to the true intent and meaning of this act, it shall and may be lawful for the said president, managers and company, at a stated or special meeting to be convened according to the provisions of this act or their own by-laws, to increase the number of shares to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the moneys subscribed for such shares, in like manner and under the like penalties, as are hereinbefore provided for the original subscriptions, or as shall be provided by their by-laws.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That when a good and complete bridge is erected over the said river Susquehanna, at the place aforesaid, the property of the said bridge shall be vested in the company as aforesaid, their heirs and assigns forever, and that the said company, their heirs and assigns, may demand and receive toll from travelers and others, agreeably to the following rates, viz.: For every coach, landau, chariot, phaeton or other pleasurable carriage with four wheels, drawn by four horses, the sum of one dollar; and for the same carriages with two horses, the sum of seventy-five cents; for every wagon with four horses, the sum of one dollar, and for every carriage of the

same description drawn by two horses, the sum of sixty-seven cents; for every chaise, riding chair, cart, or other two-wheeled carriage with two horses, the sum of fifty cents; and for the same with one horse, the sum of thirty-three cents; for every sleigh or sled with four horses, the sum of sixty-seven cents; and for the same with two horses, the sum of thirty-three cents; and for the same with one horse, the sum of sixteen cents; for one single horse and rider, the sum of fifteen cents; for every horse the sum of ten cents; for every foot passenger, the sum of six cents; for every head of horned cattle, the sum of six cents; for every sheep and swine, the sum of three cents.

Provided nevertheless, That the said bridge shall in nowise injure, stop or interrupt the navigation of said river, or prevent boats from crossing, or persons from fording, the said river.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That all such carriages as aforesaid, to be drawn by oxen in the whole, or partly by horses and partly by oxen, two oxen shall be estimated as equal to one horse, in charging all the aforesaid tolls, and every mule as equal to one horse.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That if the said company, their heirs and assigns, and whosoever shall own or possess the said bridge, shall collect or demand any greater rates or prices for passing over the said bridge than what is heretofore prescribed or specified, or shall neglect to keep the said bridge in good repair, he, she or they so offending shall, for every such offence, forfeit and pay the sum of twenty-six dollars and sixty-six cents, one moiety thereof to the overseers of the poor for the use of the poor of the township of Windsor, in the county of York, and the poor of the township of Manor, in the county of Lancaster, equally to be divided, and the other moiety for the use of the person who may sue for the same, to be recovered before any justice of the peace of the said counties, who is hereby empowered, on information given to him, on oath or affirmation, of any such offence, to issue his summons or warrant to any constable of said county, commanding him to bring, or cause any person against whom information may be made, to

come before him, and on due proof of said offence, to convict such person thereof, and on such conviction, to issue a warrant, after the expiration of six days from the date of such conviction, to any constable to levy the sum of money on the goods and chattels of such offender by distress and sale thereof, and in case no goods and chattels may be found the property of said offender, on which to make such distress, then to take his body and commit him to the goal of the county where such offence is committed, until the sum is paid.

Provided always, That any person as aforesaid so convicted, who shall find himself aggrieved thereby, may, within the six days aforesaid, appeal to the next court of quarter sessions of the county, which appeal, on giving security within the same time, shall be allowed; and if the conviction so made by said justice shall be confirmed, the said justice shall proceed to levy the said forfeiture in manner hereinbefore directed.

And provided also, That no suit or action shall be brought, unless the same is brought within two months after the same offence is committed.

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That the said president, managers and company shall also keep a just and true account of all and every the moneys received by their several and respective collectors of tolls, for crossing the said bridge, and shall make and declare a dividend of the clear profits and income thereof, all contingent costs and charges being first deducted, among all the subscribers to the said company's stock, and shall on every second Monday of January and July every year publish the dividend to be made of the said clear profits amongst the stockholders, and of the time and place where and when the same will be paid, and shall cause the same to be paid accordingly.

[Section XIV.]. (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That the said president and managers shall, at the end of every third year from the date of the incorporation until two years next after the bridge aforesaid shall be completed, lay before the general assembly of this commonwealth an abstract of their accounts, showing the whole

of their capital expended in the prosecution of the said work, and of the income and profits arising from the said toll, for and during the said respective periods, together with an exact account of the costs and charges of keeping the said bridge in repair, and all other contingent costs and charges, to the end that the clear annual income and profits thereof may be ascertained and known, and if at the end of two years after the said bridge shall be completed, it shall appear from the average profits of the said two years, that the said clear income and profits thereof will not bear a dividend of six per centum per annum on the whole capital stock of the said company so expended, then it shall and may be lawful for the president, managers and company to increase the tolls hereinabove allowed, so much upon each and every allowance thereof as will raise the dividends to six per centum per annum, and at the end of every ten years after the said bridge shall be completed, they shall render to the general assembly a like abstract of their accounts for three preceding years, and if at the end of any such decennial period, it shall appear from such abstract that the clear profits and income of the said company will bear a dividend of more than twenty-five per centum per annum, then the said tolls shall be so reduced, as will reduce the said dividend to twenty-five per centum per annum.

Passed April 11, 1793. Recorded L. B. —, p. —. (not given.)

CHAPTER MDCXOVI.

AN ACT FOR THE REGULATION OF THE MILITIA OF THE COMMONWEALTH OF PENNSYLVANIA.

Whereas a well regulated militia is the only safe and constitutional method of defending a free state, and whereas, the

several laws enacted by the legislature of this commonwealth for the regulation of the militia thereof, have been found to require material alterations, in order to which it has been thought more advisable to revise the whole system, than to amend it by supplementary statutes: Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That each and every free, able-bodied, white, male citizen of this or any other of the United States, residing in this commonwealth, who is or shall be of the age of eighteen years and under the age of forty-five years, except as hereinafter excepted, shall severally and respectively be enrolled in the militia, by the captain or commanding officer of the company within whose bounds such citizen shall reside, within three months after the passing of this act, and that it shall be at all times hereafter the duty of every such captain or commanding officer of a company, to enroll every such citizen as aforesaid, and also those who shall from time to time arrive at the age of eighteen years, or being of the age of eighteen years and under the age of forty-five years, and not excepted by this act, shall come to reside within his bounds, and shall without delay notify such citizen of the said enrollment by a proper non-commissioned officer of the company, by whom such notice may be proved; and all cases of doubt respecting the age of any person enrolled or intended to be enrolled, the party questioned shall prove his age to the satisfaction of the officers of the company within whose bounds he may reside, or a majority of them.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the vice president of the United States, officers, judicial and executive, of the government of the United States, the members of both houses of congress and their respective officers, judges of the supreme court, judges of the court of common pleas, attorney general, secretary and treasurer of the state, sheriffs, gaolers and keepers of workhouses, all post-officers and stage-drivers who are employed in the care and conveyance of the mail of the post

office of the United States, all ferrymen employed at any ferry on the post roads, all inspectors of exports, all pilots, all mariners actually employed in the sea service of any citizen or merchant within the United States, ministers of religion of every denomination, professors and teachers in the university, colleges, academies and schools, the librarian of the library company of Philadelphia and of the Loganian library, and menial servants of ambassadors or ministers and consuls from foreign states, and no other person or persons, shall be, and are hereby, excepted from military duty, notwithstanding their being above the age of eighteen and under the age of forty-five years. And also all young men under the age of twenty-one years, and all servants purchased bona fide and for a valuable consideration, though enrolled agreeably to the first section of this law, shall be exempted from furnishing the necessary arms, ammunition and accoutrements, as are required by the fifth section thereof, and shall be excepted from militia duties and fines during such minority or servitude, except in cases of rebellion, or an actual or threatened invasion of this or any of the neighboring states.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the militia of this commonwealth shall, within the respective bounds hereinafter mentioned, be arranged into divisions, brigades, regiments, battalions and companies; that each brigade so to be formed shall consist of not less than two nor more than eight regiments; each regiment into two battalions; and each battalion into four companies, in such manner that no company shall consist of more than eighty or less than forty individuals, or as near as may be, having regard to their local situations; there shall be to each battalion at least one company of grenadiers, light infantry or riflemen, and to each division there shall be at least one company of artillery and one troop of horse, which shall be formed of volunteers from the respective brigades at the discretion of the governor, not exceeding one company of each to a regiment, nor more in number than one-eleventh part of the infantry.

Provided always, That the several volunteer corps of artillery, cavalry and infantry, which have hitherto existed in this commonwealth and have not been included in the general formation of the militia, shall continue to exist as heretofore, and retain the privileges which they have hitherto enjoyed.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the territory of this commonwealth, for the purpose of making the arrangement in the preceding section mentioned, be and is hereby divided into division bounds as follows, to wit.: The city and county of Philadelphia shall form one division; the counties of Bucks and Montgomery one other division; the counties of Chester and Delaware one other division; the counties of Lancaster and York one other division; the counties of Berks and Dauphin one other division; the counties of Cumberland and Franklin one other division; the counties of Northampton, Northumberland and Luzerne one other division; the counties of Bedford, Huntingdon and Mifflin one other division, and the counties of Westmoreland, Washington, Fayette and Allegheny one other division. The city of Philadelphia shall form a brigade, and each county shall form a brigade; provided that it shall be lawful for the governor to divide any county into two brigades, when the number of men enrolled in the militia of such county shall exceed four thousand.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That in order that the militia may be properly armed, equipped and accoutred, every citizen enrolled and notified of this enrollment in manner aforesaid, except as is hereinbefore excepted, shall, within six months after receiving such notice, provide himself with the arms, ammunition and accoutrement hereinafter mentioned, viz.: Every non-commissioned officer and private of the infantry (including grenadiers and light infantry and of the artillery) shall have a good musket or firelock, a sufficient bayonet and belt, two spare flints and a knapsack, a pouch with a box therein, to contain not less than twenty-four cartridges suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball, or with a good rifle, knapsack,

shot-pouch and powder horn, twenty balls suited to the bore of his rifle and a quarter of a pound of powder; the commissioned officers of infantry shall be armed with a sword or hanger and an esponton, and those of artillery with a sword or hanger, a fuzee, bayonet and belt, and a cartridge box to contain twelve cartridges. The commissioned officers of the several troops of horse shall furnish themselves with good horses, of at least fourteen hands and an half high, and shall be armed with a sword and a pair of pistols, the holsters of which shall be covered with bearskin caps; each light-horseman or dragoon shall furnish himself with a serviceable horse, of at least fourteen hands and an half high, a good saddle, bridle, mail pillion and valise holsters, and a breast plate and cupper, a pair of boots and spurs, a pair of pistols, a sabre and a cartouch box, to contain twelve cartridges for pistols; the artillery and horse shall be uniformly clothed in regimentals, to be furnished at their own expense, the color and fashion to be determined by the brigadier commanding the brigade to which they belong; every militiaman shall appear so armed, accoutred and provided when called out to exercise or into service (except that when called out on company days to exercise only he may appear without a knapsack) and every man so enrolled as aforesaid, and providing himself with the arms, ammunition and accoutrements required as aforesaid, shall hold the same exempted from all suits, distresses, executions, or sales for debt or the payment of taxes. Each battalion and regiment shall be provided with the state and regimental colors by the field officers, and each company with a drum and fife or bugle horn by the commissioned officers of the company; the expenses of such colors, drums, fifes or bugle horns to be repaid to the officers out of the fines incurred by this act.

Provided always, That whenever the field officers of any regiment shall judge any person enrolled therein, unable to arm and equip himself as aforesaid, such person shall not be subject to any fine for not arming, anything herein contained to the contrary notwithstanding.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That the militia shall be officered as follows: To each division one major-general and two aides-de-camp, with rank of major; to each brigade one brigadier general, with one brigade inspector to serve also as brigade-major, with rank of major; to each regiment one lieutenant-colonel commandant; and to each battalion one major; to each company of infantry, (including light infantry and grenadiers) one captain, one lieutenant, one ensign, four sergeants, four corporals, one clerk, one drummer and one fifer or bugler; that their shall be a regimental staff, to consist of one adjutant and one quarter-master, to rank as lieutenants; one paymaster, one surgeon and one surgeon's mate, one sergeant major, one drum major and one fife major; there shall be to each company of artillery one captain, two lieutenants, four sergeants, four corporals, six gunners, six bombardiers, one drummer and one fifer; and to each troop of horse there shall be one captain, two lieutenants, one cornet, four sergeants, four corporals, one saddler, one farrier and one trumpeter; there shall be an adjutant-general appointed for the whole militia.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the adjutant-general, major-general, brigadier-general and brigade inspectors, shall be appointed and commissioned by the governor; the division and brigade officers to be residing within their respective divisions and brigade bounds; that the majors-general shall appoint their own aides-de-camp out of the line of captains or subalterns; that the field officers of each regiment shall appoint their respective regimental staffs; that the lieutenant-colonels, majors, captains, lieutenants and ensigns, shall be elected in form and manner hereinafter mentioned and provided for; that all commissioned officers shall be commissioned for seven years, and shall take rank according to the date of their commissions, and when two of the same grade bear an equal date, then their rank shall be determined by lot to be drawn by them before the commanding officer of the brigade, regiment, battalion, company or detachment.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the duty of the adjutant-general shall be to distribute all orders from the governor, as commander-in-chief of the militia of the state, to the several corps; to attend all public reviews when the governor shall review the militia; to obey all orders from him relating to the carrying into execution and perfecting the system of military discipline established by this act; to furnish blank forms of the different returns that may be required, and to explain the principles on which they should be made; to receive may be furnished therewith; from all which returns he shall make a general return of all the militia of the state, and lay the same before the governor and a duplicate thereof before the president of the United States; that the said adjutant-general, before he enters upon the exercise of the duties of his office, shall give bond with two or more sufficient sureties in the penalty of five thousand dollars, conditioned for the due and faithful performance of the said duties, and shall in full compensation for his services receive a yearly salary of eight hundred dollars.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of the brigade inspectors to attend the regimental and battalion meetings of the militia composing their several brigades during the time of their being under arms; to inspect their arms, ammunition and accoutrements, superintend their exercise and manoeuvres, and introduce throughout the state the system of military discipline established by this act, as well as such orders as they shall from time to time receive from the governor, as commander-in-chief of the militia, to make returns to the adjutant-general at least once in every year, and at such stated time or times as the governor shall direct, of the militia of the brigade to which he belongs, reporting therein the actual situation of the arms, accoutrements and ammunition of the several corps and every other thing which in his judgment may relate to their government and the general advancement of good order and military discipline; that it shall

moreover be the duty of the said brigade inspectors to superintend the elections of the field officers, to procure and furnish arms, accoutrements, ammunition, drums, fifes, bugle horns, carriages for the transportation of baggage and other articles that may be wanted for the use of their respective brigades, and to do all and every such other duties as are enjoined upon them by this act, in form and manner therein prescribed; and in full compensation for all their services each of the said brigade inspectors shall receive the yearly salary of two hundred dollars; and each of the said inspectors before he enters upon the duties of his office shall give bond with one or more sufficient sureties in the penal sum of one thousand dollars, conditioned for the due and faithful performance of the said duties and for the faithful accounting for, according to law, and paying of all the moneys which shall come to his hands by virtue of this act, when thereunto lawfully required; and each of the said inspectors shall, once in every twelve months, make out complete accounts of all the moneys received by him, and of his expenditures, and return the same to the adjutant-general, and on failure of accounting as aforesaid, each inspector shall forfeit and pay for every such neglect the sum of fifty dollars, to be applied as other fines are directed to be applied by this act; and on the death, removal, or resignation of any of the said inspectors, such inspector, his executors or administrators, shall, on the reasonable demand in writing of his successor in office, or of any other person who shall be appointed by the governor to receive the same, deliver up to the said successor, or other person as aforesaid, all and singular the books, duplicates, returns and other papers belonging to or in use in the said office, and on refusal thereof, he or they so offending, shall forfeit the sum of one thousand dollars and the necessary cost of prosecution, to be recovered by the said successor in office, or other person duly authorized as aforesaid, upon indictment, bill, plaint or information, or by action of debt, in any court of record within this state, to be applied as other militia fines are directed to be applied by this act, and in case of a second refusal, such person or persons so refusing

shall suffer as well the said penalty as the further punishment of six months' imprisonment, without bail or mainprise, and the judges of the court where such penalty shall be recovered shall order the said commitment accordingly.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That each of the said inspectors shall, on or before the first Monday in May next, and some time between the first day and last day of March in every succeeding year, issue his warrant, directed to the captain or commanding officer for the time being of each company of the several battalions, or some other fit person in his brigade, commanding him in the name of the commonwealth to deliver to him, the said inspector, within ten days from and after the date of the said warrant (on oath or affirmation, which the said inspectors are hereby severally empowered to administer), a true and exact list of the names and surnames of each and every free, able-bodied, white, male citizen of this or any other of the United States, residing within the bounds of his company, between the ages of eighteen and forty-five years, not being such as are above declared excepted from militia duty, and lay such lists, within three days after he shall have received the same, before the brigadier general of his brigade, who shall thereupon divide his said brigade into regimental battalions and companies, in manner hereinbefore directed, to each of which he shall appoint proper districts or local subdivisions, paying due regard to the conveniency of the inhabitants, and taking care that each person be annexed to the numerical class to which he formerly belonged.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the elections of such officers as are by this act declared to be elective, shall be made as follows: The several brigade inspectors shall, on or before the first Tuesday of June next, give notice, by advertisement at eight or more of the most public places of each regiment bounds or district, appointing a certain day for each district, not less than ten days after the said notice, and requiring all the citizens enrolled in the said regiment and residing within the bounds thereof, except as is hereinbefore excepted, to meet at a cer-

tain place as near the centre of the said district as may be, and then and there, between the hours of ten in the morning and six in the afternoon of the said day, to elect by ballot one lieutenant colonel; and the enrolled inhabitants of each battalion bounds, respectively, shall elect by ballot as aforesaid, on the same or some other day and at such place or places as shall be most convenient, but with the least possible delay, one major; and the enrolled inhabitants of each company bounds, respectively, shall elect by ballot as aforesaid, on the same or some other day and at such place or places as shall be most convenient, but with the least possible delay, one captain, one lieutenant and one ensign; previous to which said election or elections, respectively, the said enrolled inhabitants shall elect two respectable citizens to preside as judges thereof, who shall certify to the inspector the names of the persons so elected, and each captain shall appoint a suitable person for a clerk in his company, and the said inspector shall attend and superintend each and every of the said battalion elections, and after the officers are elected shall give notice thereof to the brigadier, who shall cause the lieutenant colonels of his brigade to assemble together, as soon as may be, to cast lots for rank of the regiments, and the said lieutenant colonels shall afterwards call together the majors and captains of their respective regiments, to cast lots in like manner for their respective ranks, and the ranks of the lieutenants and ensigns shall be determined by the ranks of the captains, respectively, and the said inspectors shall, as soon as may be after the officers shall have been elected and their ranks ascertained, transmit proper certificates to the governor, of the names of the persons so as aforesaid elected and their ranks, in order that commissions may be granted to them according to the said certificates; and elections for officers in the light-horse shall be made in like manner as elections for officers in the infantry and artillery, and in every case of future vacancy, whether by death, resignation or absence, as hereinafter provided, the brigadier, in whose brigade such vacancy or vacancies shall happen, shall immediately, upon receiving notice thereof, cause one or more regiment, battalion or com-

pany elections to be held in manner and form aforesaid, in order to supply the same, and shall, when there shall be occasion, cause the ranks to be ascertained, and make return to the governor in manner hereinbefore provided; and whenever any vacancy or vacancies shall happen, as aforesaid, in any regiment, battalion or company, the commanding officer of such regiment, battalion or company, for the time being, shall give immediate notice thereof to the inspector of his brigade, that the same may be filled up without loss of time; and if any regiment, battalion, troop or company, being duly noticed and required as aforesaid, shall neglect or refuse to elect their officers as aforesaid, then it shall and may be lawful for the inspector of the brigade to which such regiment, battalion, troop or company shall belong, to nominate, with the approbation of the brigadier-general, one suitable person to the governor, in the room of each officer so neglected to be chosen, and the said governor, approving thereof, shall commission the said person, which shall be as effectual to all intents and purposes as if the said officers had been elected as before directed; and the said inspector shall, as soon as may be, acquaint the parties so neglecting or refusing with the appointments that shall have been made as aforesaid.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That if any commissioned officer shall remove out of the bounds of his proper division, brigade, battalion or company, except within the city of Philadelphia (as the case may be), or shall be absent therefrom (otherwise than on militia duty) for more than six months, his office shall be thereby vacated; and if a light-horseman shall remove or be absent in like manner from the bounds of his troop, or be appointed or elected a commissioned officer in any other part of the militia, his place in the said light-horse shall likewise be vacated.

[Section XIII.] (Section XIII, P. L.) And be it further enacted by the authority aforesaid, That every militia-man migrating or removing out of the bounds of one battalion or company to another, shall apply to the commanding officer of the company to which he did belong, who shall give him a

discharge, certifying the class to which he belongs, and whether he has served his tour of duty or not, and the time and date of said service, which certificate the said militia-man shall produce to the captain or commanding officer of the company in whose bounds he next settles, within ten days after his settlement, and the said captain or commanding officer is hereby required to enroll him in the class specified in the said certificate.

[Section XIV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That the whole of the militia of this state shall be subject to be mustered and exercised in regiments and in companies, by their respective officers, in the autumn or fall season of every year, on the days hereinafter stated, to wit: In regiments, as follow: the first regiments of each and every brigade in the commonwealth, shall be exercised on the third Monday in the month of October; the second regiments, on the Tuesday following; the third regiments, on the Wednesday; and so on, according to their numerical rank, on every day in the week (Saturdays and Sundays excepted) until the whole number of regiments shall have mustered and exercised in the aforesaid manner; and the several regiments shall meet and exercise in companies on the first Monday in the month of October; and the militia shall be and is hereby indemnified and excused from mustering and exercising on any other days than those enumerated in this act.

[Section XV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That if any commissioned officer shall, without a lawful excuse, neglect or refuse to attend on any of the days hereinbefore appointed for exercise, if a field officer, he shall forfeit and pay the sum of four dollars; and every other commissioned officer shall forfeit and pay the sum of two dollars; and every non-commissioned officer or private, so neglecting or refusing to attend, shall forfeit and pay the sum of one dollar for every such neglect or refusal; except such commissioned officer, non-commissioned officer and privates, who shall be summoned and actually attending, on any of the days of exercise, aforesaid, as a juror or witness in

any court within this commonwealth, and the same fines shall be respectively paid by every officer, non-commissioned officer or private who shall leave the parade on a day of exercise before the regiment or company is discharged, without leave first had and obtained of the officer commanding.

[Section XVI.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, In order to ascertain those persons who by their absence on the days of exercise shall have incurred the fines above mentioned, a sergeant or the clerk of each company shall, on every such day, in the presence of the captain or commanding officer of the company, at the end of one hour after the time appointed for the meeting of the company or regiment, and also after the exercise is over and before the men are discharged, call over a muster-roll of the company, noting those who are absent, and a return shall be made on the same or following day of such absentees, which shall be signed by the sergeant or clerk and by the captain or commanding officer of the company, and shall, within ten days thereafter if a regimental meeting, or if a company meeting, within ten days after the next regimental meeting, be returned by the said captain or commanding officer of the company, upon his oath or affirmation, to the inspector of the brigade, under the penalty of fifty dollars for every time he shall refuse or neglect to make such return, and if any of the said absentees shall have been unable to attend from sickness or unavoidable necessity, and shall within the space of eight days next after the day of exercise, state his case by himself or his friend to the said captain or commanding officer of the company, and satisfy him of the truth thereof, then the said captain or commanding officer of the company, shall mention in his said return the particular reasons of excuse which each absentee shall have made appear to his satisfaction, and the inspector, on sight of the said return, shall admit every such excuse as shall appear to him reasonable, without favor or partiality, and remit the fines accordingly, but no excuse shall be received at any other time or in any other manner, than as is above prescribed.

[Section XVII.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That whenever it may be necessary to call into actual service any part of the militia in case of rebellion, or of an actual or threatened invasion of this or any of the neighboring states, then it shall and may be lawful for the governor to order into actual service, such part of the militia, by classes, as the exigency may require;

Provided, That the part so called doth not exceed four classes of the militia of the brigade or brigades so called out.

And provided also, That such brigade or brigades shall not be again called out to furnish any more militia, until an equal number of classes of the militia of the other brigade or brigades, respectively, be first called, unless the danger of an invasion from Indians or others should make it necessary to keep in reserve the militia of such brigade or brigades for their own immediate defence.

[Section XVIII.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That to the end that the militia, when called by classes, shall be properly officered, the following order is hereby directed and enjoined; that is to say, for the first draft, the captain of the first company, the lieutenant of the second and the ensign of the fourth; second draft, the captain of the second company, the lieutenant of the first and the ensign of the third; third draft, the captain of the third company, the lieutenant of the fourth and the ensign of the second; fourth draft, the fourth captain, the lieutenant of the third company and the ensign of the first; fifth draft, the fifth captain, the lieutenant of the sixth company and the ensign of the eighth; sixth draft, the sixth captain, the lieutenant of the fifth company and the ensign of the seventh; seventh draft, the captain of the seventh company, the lieutenant of the eighth and the ensign of the sixth; eighth draft, the captain of the eighth company, the lieutenant of the seventh and the ensign of the fifth; non-commissioned officers to take tour of duty with the commissioned officers, and the field officers of regiments, in every division and brigade in the state, shall be divided in like manner, and each class to be considered as a detachment from different corps liable to serve two months and no longer, and to

be relieved by the class next in numerical order, the relief to arrive at least two days before the expiration of the term of the class to be relieved, but nothing herein contained shall prevent the governor from employing and calling out part of any class, or any company or companies, regiment or regiments, without respect to this rule, whenever the exigency is too sudden to allow the assembling of the scattered militia which compose the particular classes, and the services of the persons so called out shall be accounted as part of their tour of duty, and the pay of the militia in actual service shall commence two days before marching, and they shall receive pay and rations at the rate of fifteen miles per day on their return home.

[Section XIX.] (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person called to do a tour of duty to find a sufficient substitute, such substitute being approved of by the captain or commanding officer of the company which he shall be offered to serve in.

Provided always, That persons serving by substitute as aforesaid, if said substitute shall be called in his own turn into actual service before the term expires which he was to serve for his employer, that then the person procuring such substitute shall march in his said substitutes' turn, or be liable to pay his fine for neglect, which fine is to be recovered as other fines for neglect of serving are by this act directed to be recovered, and that sons who are not subject to the militia law may be admitted as substitutes for their fathers.

[Section XX.] (Section XX, P. L.) And be it further enacted by the authority aforesaid, That when the militia, or any detachment thereof, are called out on duty, the pay of each major-general shall be sixty dollars per month; of each brigadier general, fifty dollars per month; of each lieutenant-colonel, forty dollars per month; of each major, thirty dollars per month; of each captain, twenty-five dollars per month; of each lieutenant, twenty dollars per month; of each ensign, fifteen dollars per month; of each sergeant, eight dollars per month; of each corporal, seven dollars per month; and of each private and musician, six dollars per month; and that every person

refusing or neglecting to perform his tour of duty, in person or by substitute, shall pay the sum of twelve dollars for every such neglect or refusal, if the tour was to be for a term not exceeding one month and in proportion if the tour was to be for any longer term.

[Section XXI.] (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That when any class or classes of the militia shall be called to perform any tour of duty, the brigade inspector shall cause each and every person, so called to be notified of such call, by a written or printed notice being delivered to him personally, or left at his house or usual place of abode, by some officer or other fit person employed for that purpose by the commanding officer of said company, at least three days before the time of assembling the said militia, unless the governor, on a sudden exigency, shall think proper to order any part of the militia into immediate and actual service, and then the notice mentioning such special order shall be given for immediate attendance; and any person refusing or neglecting to perform such tour of duty, shall pay a fine of sixteen dollars per month for every such offence.

[Section XXII.] (Section XXII, P. L.) And be it further enacted by the authority aforesaid, That the inspector shall, forthwith after the marching of any part of the militia, call to his assistance two reputable citizens, one of whom shall be a justice of the peace, to sit at the most convenient place for the inhabitants of their respective districts, notice having been given of such place in the written or printed summons of every militia-man so called out, and shall there hear and determine all appeals that may be made by the persons thinking themselves aggrieved by anything done in pursuance of this act; and they are hereby authorized and required to grant such relief to such appellant as to them shall appear just and reasonable (in consideration of such inability of body as in the opinion of the court renders him incapable of performing military duty) or of unavoidable absence from the brigade in which he shall reside; and each of the said reputable citizens, before they shall sit on the said appeal, shall take the following oath or affirmation, viz.: That he will hear and impartially deter-

mine on the cases of appeal that may be laid before him, agreeably to law and according to the best of his knowledge; which oath or affirmation the inspector is hereby empowered to administer, and the said justice and citizen shall have and receive from the said inspector the sum of one dollar each, for every day they sit on the appeals; and the said inspector and justice of the peace shall keep a separate record of the proceedings of such court of appeals, and if any delinquent, whose appeal shall have been determined against him, shall not pay his fine within five days after such determination, the inspector shall and may proceed to levy the said fine in manner hereinafter mentioned.

[Section XXIII.] (Section XXIII, P. L.) And be it further enacted by the authority aforesaid, That the commanding officers of the several regiments shall attend at the place of rendezvous of the marching class or classes, and the commanding officers of the marching class or classes are hereby required, then and there to deliver, to the commanding officer of the regiment, a muster-role of all those who attend and proceed to perform their then required tour of duty, under the penalty of fifty dollars, which return or muster-roll shall be transmitted by the said commanding officer of the regiment, within five days after marching, under the penalty of fifty dollars, to the inspector of the brigade to which they respectively belong.

[Section XXIV.] (Section XXIV, P. L.) And be it further enacted by the authority aforesaid, That the following articles, rules and regulations shall be those by which the militia shall be governed.

Article 1. If any field or other commissioned officer at any regimental review, or on any other occasion when the regiment or company to which he may belong, or in which he holds a command, is paraded in arms, shall appear, misbehave or demean himself in an unofficerlike manner, he shall, for such offence, be cashiered or punished by fine at the discretion of a general court martial, as the case may require, in any sum not exceeding sixty dollars, and if any non-commissioned

officer or private shall, on any occasion of parading the company to which he belongs, appear with his arms and accoutrements in an unfit condition, or be drunk, or shall disobey orders, or use any reproachful or abusive language to his officers, or any of them, or shall quarrel himself or promote any quarrel among his fellow soldiers, he shall be disarmed and put under guard, by order of the commanding officer present, until the company is dismissed, and shall be fined, at the discretion of a regimental court martial, in any sum not exceeding four dollars, nor less than one dollar.

Article 2. If the lieutenant colonel or commanding officer of any regiment shall neglect or refuse to give orders for assembling his regiment at the times appointed by this law, or at the direction of the inspector of the brigade to which he belongs, when the said inspector is thereto commanded by the governor, or in case of an invasion of the city or county to which such regiment belongs, he shall be cashiered and punished by fine not exceeding two hundred dollars, at the discretion of a general court martial; and if a commissioned officer of any company shall, on any occasion, neglect or refuse to give orders for assembling the company to which he belongs, or any part thereof, at the direction of the lieutenant colonel or commanding officer of the regiment to which such company belongs, he shall be cashiered and punished by fine not exceeding sixty dollars, at the discretion of a regimental court martial, and a non-commissioned officer offending in such case shall be fined, at the discretion of a regimental court martial, in any sum not exceeding twenty dollars.

Article 3. If any captain or commanding officer of a company shall refuse or neglect to make out a list of the persons noticed to perform any tour of duty, and send or convey the same to the lieutenant-colonel or commanding officer of the regiment to which such company may belong, for such neglect or refusal he shall be cashiered or fined, at the discretion of a regimental court martial, in any sum not exceeding forty dollars.

Article 4. If any militia-man shall desert while he is on a tour of duty, he shall be fined twenty-four dollars for every such

offence; if a non-commissioned officer, he shall be degraded and placed in the ranks.

Article 5. Every general court martial shall consist of thirteen members, all of whom shall be commissioned officers and of such rank as the case may require, and these thirteen shall choose a president out of their number, who shall be a field officer.

Article 6. Every regimental court martial shall be composed of five members, all commissioned officers, who are to choose one of their members a president, not under the rank of captain.

Article 7. In any court martial, not less than two-thirds of the members must agree in every sentence for inflicting any punishment, otherwise the person charged shall be acquitted.

Article 8. The president of each and every court martial, whether general or regimental, shall require all witnesses, in order to the trial of offenders, to declare on oath or affirmation that the evidence they shall give is the truth, the whole truth and nothing but the truth, and the members of all such courts shall take an oath or affirmation, which the president is required to administer to them, that they will give judgment with impartiality.

Article 9. All members of any militia called as witnesses in any case before a court martial, who shall refuse to attend and give evidence, shall be censured or fined, at the discretion of the court.

Article 10. No officer or private man being charged with transgressing these rules, shall be suffered to do duty in the regiment, company or troop to which he belongs, until he has his trial by a court martial, and every person so charged shall be tried as soon as a court martial can conveniently be assembled.

Article 11. If any officer or private man shall think himself injured by his lieutenant colonel or the commanding officer of the regiment, and shall, upon due application made to him, be refused redress, he may complain to the brigadier general, who shall direct the inspector of the brigade to summon a general court martial, that justice may be done.

Article 12. If any inferior officer or private man shall think himself injured by his captain or other superior in the regiment, troop or company to which he belongs, he may complain to the commanding officer of the regiment, who shall summon a regimental court martial, for doing justice, according to the nature of the case.

Article 13. No penalty shall be inflicted at the discretion of court martial other than degrading, cashiering or fining.

Article 15.* The commanding officer of the militia, for the time being, shall have full power of pardoning or mitigating any censures or penalties ordered to be inflicted on any private or non-commissioned officer, for the breach of any of these articles, by a general court martial; and every offender convicted, as aforesaid, by any regimental court martial, may be pardoned, or have the penalty mitigated by the lieutenant colonel or commanding officer of the regiment, excepting only where such censures or penalties are directed as satisfaction for injuries received by one officer or private man from another; but in case of officers, such sentence to be approved by the commander-in-chief, or the nearest general officer of the militia, who are respectively empowered to pardon or mitigate such sentence, or disapprove of the same.

Article 16. The militia, on the days of exercise, may be detained under arms on duty in the field, any time not exceeding six hours, provided they are not kept above three hours under arms at any one time, without allowing them a proper time to refresh themselves.

Article 17. No company or regiment shall meet at a tavern on any of the days of exercise, nor shall march to any tavern before they are discharged, and any person who shall bring any kind of spirituous liquors to such place of training, shall forfeit such liquors, so brought, for the use of the poor belonging to the ward, district or township where such offender lives.

Article 18. All fines that shall be incurred by any breach of these rules, shall be paid into the hands of the inspectors of the brigades to which the offenders belong, or to such person

*This mistake in numbering occurs in the original.

or persons as he shall appoint and make known in general or brigade orders as his agents or attorneys to receive the same, within three weeks after they become due, but in case of neglect or refusal to pay any of the said fines, the said inspector shall cause the same to be collected and levied in manner herein-after mentioned.

Article 19. The rules of discipline approved and established by congress in their resolution of the 29th of March, one thousand seven hundred and seventy-nine, shall be the rules of discipline to be observed by the militia throughout this state, except such deviations from said rules as may be rendered necessary by the requisitions of this act or some other unavoidable circumstances. It shall be the duty of the commanding officer at every muster, whether by regiment or single company, to cause the militia to be exercised and trained agreeably to the said rules of discipline.

Article 20. The militia of this state, whilst in the actual service of the United States, shall be subject to the same rules and regulations as the federal army; provided that upon any transgression or offence of a militia-man, whether officer or private, against the rules and regulations of the federal army, the cause shall be tried and determined by a court martial of the militia of this state, and that it shall be in the power of the governor, or in case of his absence, of the commanding officer of the militia, to mitigate, suspend, or pardon any punishment to which any militia-man may be sentenced by a general court martial.

[Section XXV.] (Section XXV, P. L.) And be it further enacted by the authority aforesaid, That no civil process shall be served on any commissioned, non-commissioned officer or private, at any regimental review or training of any company, or while going to or returning from the place of such review or training.

[Section XXVI.] (Section XXVI, P. L.) And be it further enacted by the authority aforesaid, That for the purpose of collecting and levying the fines that shall be incurred, as well for non-attendance on days of exercise as for neglect of performing tours of duty, and also all such fines as shall be im-

posed by court martial on persons belonging to their respective brigades, it shall and may be lawful for the several brigade inspectors to appoint one or more proper persons, by warrant under their respective hands and seals, to be collectors of the said fines; and the said collectors, by virtue of the said warrants, shall be authorized and empowered to call on every delinquent that shall be named in the lists to be furnished to them by the said inspectors, and demand payment of the said fines, and of five per centum on the amount thereof for their trouble in collecting the same, and on neglect or refusal of such payment, then the said collectors shall proceed to levy the said fines, with costs equal to those received by constables or sheriffs in similar cases, by distress, irreplevisable and sale of the offender's goods and chattels, lands and tenements, in like manner and with like effect as the collectors of taxes may or can do by virtue of any law or laws of this commonwealth.

Provided, That in the case of seizure of lands or tenements, the same notice shall be given previous to the sale thereof as is required in case of land sold by a sheriff, by virtue of a writ of venditioni exponas, and no process shall issue to stay the execution of such warrant, unless in the case of the seizure of real estate.

Provided always, That if any person shall think himself aggrieved in the seizure of his lands and tenements, he may enter an appeal before the judges of the next court of common pleas for the proper county, and on the parties giving sufficient security, within fifteen days next after any lands or tenements shall be seized or distrained, as aforesaid, to prosecute such appeal with effect, the judges shall receive the same and stay further process, and the said judges shall return every such appeal on the first day of the next term, and the court shall direct a trial by jury of the county, as in cases of debt, whose verdict shall be final and conclusive, and except in extraordinary cases, of which the court shall judge, all such appeals shall be tried at the term to which such returns shall be made.

Provided also, That in case real estates be sold as aforesaid, such sale shall be made by the sheriff of the county, who shall make a sufficient deed for the same, and if any collector, ap-

pointed by any brigade inspector, as aforesaid, and having accepted of his appointment, shall refuse or neglect to perform his duty, he shall, for every such offence, forfeit and pay, at the discretion of the courts of quarter sessions of the peace within this commonwealth, any sum not exceeding forty dollars.

[Section XXVII.] (Section XXVII, P. L.) And be it further enacted by the authority aforesaid, That any person who shall or may be appointed by any brigade inspector within this state to collect the militia fines, shall be bound to account with and pay over to the inspector of the brigade, by whom he shall have been so appointed, all the moneys received by him for fines, within ten days after demand thereof shall be made; and all and every such persons refusing to render or settle his account in manner aforesaid, shall be liable to have his goods, chattels, lands and tenements within this state seized and secured by warrant, under the hand and seal of the inspector of the brigade in which such delinquent collector hath or may have acted, directed to the sheriff or coroner of the proper county, who shall make report of his proceedings to the said inspectors, and if there are no such goods, chattels, lands or tenements, or they being seized, he shall continue to withhold or refuse to settle his account of fines received, then, and in that case, the said inspector shall issue his warrant, under his hand and seal, directing the sheriff or the coroner of the county in which the delinquent may be, to seize and take his body and commit the same to the common gaol of the county, there to continue without bail or mainprise until he shall exhibit and settle his account, as aforesaid, and discharge the costs of prosecution, and all and every collector appointed as aforesaid, who hath or shall upon settlement of his account, be found to have a balance due by him of the fines collected, and shall not, within ten days after demand made by the inspector, discharge and pay the full amount thereof, then and in such case it shall and may be lawful for the said inspector immediately to issue his warrant to the sheriff or coroner, to levy the sum due by such delinquent collector, by distress and sale of the offender's goods and chattels, lands and tenements, together with costs and charges, which distress and sale shall be made in manner be-

fore directed for tour and muster fines and fines imposed by courts martial, but if no such goods and chattels, lands or tenements can be found, then to seize and take the body of such offender and commit him to the common gaol, there to remain for the space of six months, unless he shall sooner discharge the debt, or procure such security that the same shall be discharged within a reasonable time, as may secure and satisfy the said inspector.

[Section XXVIII.] (Section XXVIII, P. L.) And be it further enacted by the authority aforesaid, That all and every of the fines and forfeitures by this act made payable, and the mode of recovery not hereinbefore particularly pointed out, shall be recovered by the inspectors of the several brigades in the name and for the use of the commonwealth, by action of debt before a justice of the peace, or in any court of record within this commonwealth, as from the amount thereof they shall be more properly cognizable, and the said inspector shall account for and pay yearly to the treasurer of the commonwealth all such fines as he shall receive by virtue of this act.

[Section XXIX.] (Section XXIX, P. L.) And be it further enacted by the authority aforesaid, That all moneys passing into the treasury by virtue of the directions of this act, shall be appropriated as a fund for the purpose of supporting the necessary officers for carrying this law into effect, and of equipping and furnishing the militia with every necessary apparatus for the defence and security of the state, the surplus, if any, to be appropriated in such manner and to such uses as the general assembly shall from time to time direct and appoint; and the treasurer of the commonwealth shall keep all the moneys arising from fines by the militia law separate from all other moneys, and keep separate books of the same, and the expenditures thereof, pursuant to the directions of this act.

[Section XXX.] (Section XXX, P. L.) And be it enacted by the authority aforesaid, That the brigade inspector and two reputable citizens, shall appraise the horse of each person serving as a light-horseman, immediately before every time of going into actual service, and enter the same in a book, and in case such horse shall be killed or die in actual service, or be taken

by the enemy otherwise than by neglect, he shall be paid the full value of his horse, according to the said appraisement, by an order to be drawn by the inspector on the militia fund in the hands of the treasurer for that purpose.

[Section XXXI]. (Section XXXI, P. L.) And be it further enacted by the authority aforesaid, That if any officer, non-commissioned officer, or private militia-man, or volunteer acting with the militia, residing in this state, having a family, shall be killed or shall die of his wounds received in the service of this state, his widow, child or children shall be entitled to similar relief, and under the same regulations and restrictions as were provided by the act, entitled "An act to provide for the more effectual relief of the widows and children of the officers and privates of the militia who have lost their lives in the service of their country,"¹ passed on the twenty-seventh day of March, one thousand seven hundred and ninety, and if any officer, non-commissioned officer, or private militia-man, or volunteer acting with the militia, residing in this state, shall be wounded or otherwise disabled in the service of this state, he shall be entitled to similar relief, and under the same regulations and restrictions as had been provided by an act, entitled "An act to alter and amend the act, entitled 'An act for the relief of officers, soldiers and seamen, who in the course of the late war have been wounded or otherwise disabled in the service of this state or of the United States,'"² passed the tenth day of March, one thousand seven hundred and eighty-seven.

[Section XXXII.] (Section XXXII, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall knowingly sell, buy, take or exchange, conceal or otherwise fraudulently receive any arms, accoutrements, colors or drums belonging to this state or the United States, or on any account or pretence whatsoever, the person so offending, being convicted thereof before one or more justice or justices of the peace of the city or county where such offence shall be committed, shall forfeit and pay for every such offence treble

¹ Chapter 1493.

² Chapter 1271.

the value of such arms or accoutrements, to be ascertained by the said justice or justices, and levied by distress and sale of the offenders' goods and chattels, by the justice or justices before whom such offender shall be convicted, returning the overplus, if any, on demand, to such offender, and for want of such distress, shall commit such offender to the common gaol of the county, there to remain without bail or mainprise, for any term not exceeding three months, unless such money shall be sooner paid, and in every such case the proof of the [property] shall be made by the possessor of such arms and accoutrements.

[Section XXXIII.] (Section XXXIII, P. L.) And be it further enacted by the authority aforesaid, That if any suit or suits shall be brought or commenced against any person or persons for anything done in pursuance of this act, the action shall be laid in the county where the cause of such action did arise, and not elsewhere, and the defendant or defendants in such action or actions to be brought, may plead the general issue, and give this act and the special matter in evidence, and if the jury shall find for the defendant or defendants in such action or actions, or if the plaintiff or plaintiffs shall be nonsuited or discontinue his or her action or actions after the defendant or defendants shall have appeared, or if upon demurrer judgment shall be given against the plaintiff or plaintiffs, the defendants shall have treble costs, and have the like remedy for the same, as any defendant or defendants hath or have in other cases to recover costs by law.

[Section XXXIV.] (Section XXXIV, P. L.) And be it further enacted by the authority aforesaid, That an act, entitled "An act for the regulation of the militia of the commonwealth of Pennsylvania,"³ passed on the twentieth day of March, in the year of our Lord one thousand seven hundred and eighty, also a supplement to the said act passed the twenty-second day of September one thousand seven hundred and eighty,⁴ also the supplement to the said act passed on the twenty-first day of March, in the year of our Lord one thousand

³ Chapter 902.

⁴ Chapter 916.

seven hundred and eighty-three,⁵ also a further supplement thereto passed on the twenty-second day of September, in the year of our Lord one thousand seven hundred and eighty-three,⁶ also so much of an act passed on the ninth day of December, in the year of our Lord one thousand seven hundred and eighty-three, entitled "An act for the more effectually securing and recovering for the uses of the commonwealth the moneys due for excise and militia fines and for other purposes therein mentioned"⁷ as comes within the intent, meaning and purview of this act, also a further supplement to the said recited acts passed on the twenty-second day of March, in the year of our Lord one thousand seven hundred and eighty-eight,⁸ be, and the same are hereby, repealed and made null and void.

Provided always, That nothing herein contained shall be construed so as to revive any former law or part of a law which in and by any of the said recited acts is repealed and made void.

Provided also, That nothing in this act contained shall be deemed to repeal, alter and dispense with the powers, authorities or duties of the [present] lieutenants of the city of Philadelphia and of the several counties in this commonwealth, or of any other officer or person under the militia laws that have been enforced in this state immediately before the passing of this act, until by new appointments under this act their respective functions and duties shall have devolved on other persons, and that the said present lieutenants and other proper officers are hereby authorized, required and enjoined to collect, or cause to be collected, all such fines and forfeitures as have been or shall be incurred during the continuance of their respective commissions, and pay in the same agreeably to this law, or the late laws aforesaid, on or before the first day of January next.

[Section XXXV.] (Section XXXV, P. L.) And be it further enacted by the authority aforesaid, That the governor shall

⁵ Chapter 1022.

⁶ Chapter 1038.

⁷ Chapter 1061.

⁸ Chapter 1339.

cause a sufficient number of copies of this law, and of the rules of discipline approved and established by congress in their resolution of the twenty-ninth day of March, one thousand seven hundred and seventy-nine, to be printed in the English and German languages and distributed throughout the state, so that every general and field officer, every brigade inspector and every captain be furnished with one copy, and it shall be the duty of every captain at every company meeting to read, or cause to be read, to the company, the same, or such part thereof as he may think necessary.

Passed April 11, 1793. Recorded L. B. No. —, p. —. (not given).

Repealed by act of April 9, 1799; Chapter 2068.

CHAPTER MDCXCVII.

AN ACT FOR ERECTING A LOAN-OFFICE FOR THE SUM OF FIVE HUNDRED THOUSAND DOLLARS.

Whereas the institution of a loan office, upon just and proper principles, will be greatly beneficial to agriculture and promote in general the welfare of the people of this commonwealth. And whereas the legislature in and by the act, entitled "An act to incorporate the subscribers to the Bank of Pennsylvania,"¹ did reserve, for the purpose of instituting such loan office, a power to borrow from the said bank an adequate sum of money. In order, therefore, to carry the same into effect:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That a sum not exceeding five hundred thousand dollars, shall be borrowed of the Bank of Pennsylvania, and appropriated for the sole and exclusive purpose of being lent to the citizens of this state, upon mortgages upon real estate, under restrictions, limitations and regulations, and in the respective proportions hereinafter directed.

¹ Passed March 30, 1793; Chapter 1667.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said sum of five hundred thousand dollars shall be loaned, as aforesaid, in two several sums, that is to say; the sum of two hundred and seven thousand dollars, part thereof, shall be loaned during the present year, and apportioned among the city and county of Philadelphia and the several other counties of this commonwealth, according to the following distribution, that is to say; thirty thousand dollars to the city and county of Philadelphia; twelve thousand dollars to the county of Bucks; twelve thousand dollars to the county of Chester; eighteen thousand dollars to the county of York; nine thousand dollars to the county of Cumberland; fifteen thousand dollars to the county of Berks; twelve thousand dollars to the county of Northampton; six thousand dollars to the county of Bedford; six thousand dollars to the county of Northumberland; six thousand dollars to the county of Westmoreland; twelve thousand dollars to the county of Washington; six thousand dollars to the county of Fayette; six thousand dollars to the county of Franklin; twelve thousand dollars to the county of Montgomery; nine thousand dollars to the county of Dauphin; three thousand dollars to the county of Luzerne; three thousand dollars to the county of Huntingdon; three thousand dollars to the county of Allegheny; three thousand dollars to the county of Mifflin; six thousand dollars to the county of Delaware; and the sum of two hundred and ninety-three thousand dollars, the remaining part of the said sum of five hundred thousand dollars, shall be loaned during the year one thousand seven hundred and ninety-four, and shall be hereafter apportioned by the legislature amongst the city and several counties of this commonwealth, in such manner that the whole sum allowed to the said city and counties, respectively, including the amount of the first, as well as the second loan, shall be in proportion to the number of taxable inhabitants contained in the said city and counties, respectively.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the commissioners of the said city and county of Philadelphia and of the several other counties of this commonwealth, respectively, shall, on or before the

third day of June next, apportion the sum to be loaned for the present year, in pursuance of the preceding section of this act, as the share of the said city and county of Philadelphia and of the several other counties of this commonwealth, respectively, amongst the several wards, districts or townships of the said city and county of Philadelphia, or of the proper county, according to the number of taxable inhabitants therein, respectively, contained, and shall also, on or before the same day, set up at least three advertisements in at least three of the most public places of the several wards, districts or townships, setting forth the sum and sums of money to be lent to the inhabitants of each ward, district or township, respectively, and notifying the said inhabitants, who may be desirous to borrow part thereof, to make application for the same in writing, stating the amount desired, to the treasurer of the city and county of Philadelphia, or of the proper county, as the case may be, on or before the fifteenth day of July next ensuing the date of such advertisement, which applications the county treasurer shall file in the order of receiving the same, but no application shall be allowed for any sum exceeding three hundred dollars or less than one hundred dollars.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That the respective commissioners aforesaid, shall, on the said fifteenth day of July next, meet at the seat of justice in their respective counties, and then and there examine the applications filed by the treasurer of the proper county, as aforesaid, and the patents, deeds and other documents of title, exhibited by the applicants touching the real estate by them respectively offered to be mortgaged; and no application shall be allowed, unless the applicants, respectively, shall also, at their own proper cost, obtain and deliver, with the said documents of title, to the commissioners, certificates under the hands and seals of the prothonotary and recorder of deeds of the proper county, respectively, testifying that the real estate offered on mortgage by such applicant, respectively, is not charged or chargeable with any incumbrance whatsoever, by reason of any deed, conveyance, mortgage or other instrument in writing, or of any suit, judgment, execution or

other process, appearing of record in their respective offices, and if, after due investigation, it shall appear to the said commissioners, respectively, that any real estate offered to be mortgaged is not held in fee simple by the person offering the same, or that it is subject to any mortgage, judgment or other incumbrance whatsoever, or that the same is the subject of any suit in law or equity, or that the patent deeds and other documents of title thereto have not been issued, granted, acknowledged, recorded and otherwise authenticated according to law, or that by reason of any other irregularity or defect whatsoever, in the title, seizin, and possession of such real estate, the right and ownership of the person offering the same in mortgage is rendered doubtful, precarious or litigious, or that the person offering such real estate in mortgage is not an inhabitant of the township or district wherein the land lies, then, and in each and every such case, the said commissioners, respectively, shall, and they are hereby enjoined and required to reject and totally disallow the application of the parties, respectively; and the said commissioners shall, moreover, have power, and they are hereby required to exercise a reasonable and just discretion in reducing or refusing the loans applied for, but the sum and sums of money lent shall not in any case be more than one-third part of the amount of the value of the land offered in mortgage (exclusively of the value of the houses, mills and other buildings or other improvements, thereon erected and being liable to be destroyed, and of any ground rent thereon charged and chargeable), according to the last assessment and return thereof made by the proper officers of the proper county; and if, after the examination and reduction or refusal of applications hereinbefore authorized and prescribed, the aggregate amount of the loans applied for in any ward, township or district shall exceed the sum and sums of money thereto respectively apportioned, as aforesaid, then the respective commissioners shall either by totally rejecting such applications, as they may deem expedient, or by proportionally subtracting from the amount of each and every application, render the aggregate of the applications accepted and allowed equal to the quota of such wards, townships or districts, respectively.

Provided always, That a sum less than one hundred dollars shall not in any case be lent to any person or persons whomsoever.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That the said respective commissioners shall take and receive to them and their respective successors in office, for the use of the commonwealth, from the persons, respectively, whose applications shall be accepted and allowed, as aforesaid, deeds of mortgage in fee simple of such real estate as shall have been offered, and the title thereto examined in the manner hereinbefore directed to secure the repayment of the sum and sums of money to such persons, respectively, loaned, together with interest thereon at the rate of six per centum per annum in seven equal yearly instalments, the first whereof shall be on the first day of November, in the year one thousand seven hundred and ninety-five.

Provided, however, That the first payment of interest shall be made on the first day of November, one thousand seven hundred and ninety-four; and on every of the said deeds of mortgage shall be endorsed on oath or affirmation, to be taken and subscribed by the mortgagor or the mortgagors (and the proper commissioners, or any of them, are and is hereby authorized and required to administer the same), stating that "he, she or they is or are seized of the estate thereby granted and mortgaged in his, her or their own right, and to his, her or their own use, and that free from all arrearages of rent, and from any former gift, grant, sale, mortgage, judgment or any other incumbrance, to the knowledge of such mortgagor or mortgagors, except only such as are particularly mentioned and discovered to the said commissioners." And the said mortgagor or mortgagors shall, moreover, execute and deliver to the said commissioners, respectively, a bond in a penal sum amounting to double the money to him, her or them, respectively, loaned, conditioned for the payment of such loan, and the interest thereon accruing, according to the terms contained in the said deeds of mortgage, respectively, together with a warrant of attorney, authorizing the attorney general of

this commonwealth to enter and confess judgment thereon, with a release of errors, which judgment shall accordingly be entered and confessed by the said attorney general, or any of his deputies, in the common pleas of the proper county, and execution thereupon issued against each and every mortgagor who shall make default in the repayment of the loan to him, her or them granted, according to the terms whereon the same shall be lent, as aforesaid, and all and every the deeds so taken and received, together with the said bonds and warrants of attorney, shall be provided by the mortgagors, respectively, and immediately after the execution thereof recorded in the office of the recorder of deeds of the proper county, at their proper cost and expense, and the said deeds of mortgage shall transfer the possession and vest the inheritance of and in such mortgaged premises to and in the respective commissioners of the proper county, and their respective successors, for the use of the commonwealth, in like manner and with like effect; and the said commissioners, respectively, shall have and enforce the like process and execution for the recovery of the mortgage money and the several instalments thereof, by sale of the mortgaged premises, or otherways, as are enacted, declared and provided in the case of mortgaged deeds taken and received by the trustees appointed in and by an act, entitled "An act for erecting and opening a loan office for the sum of fifty thousand pounds,"² passed on the fourth day of April in the year one thousand seven hundred and eighty-five.

Provided always nevertheless, That until some default be made in payment of some part of the mortgage moneys by the mortgagors, respectively, it shall be lawful to and for them, their heirs, executors, administrators or assigns to hold and enjoy the mortgaged premises, anything in this act, or in the deed of mortgage, to the contrary notwithstanding.

And provided further, That it shall be lawful for any mortgagor or mortgagors, his, her or their heirs, executors, administrators or assigns, to pay off and discharge his her or their mortgage and security, by paying to the treasurer of the proper

² Chapter 1159.

county the whole principal sums due and to become due, together with the interest and charges thereon accrued, on the first day of November in any year before the expiration of the term limited in their respective deeds of mortgage.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That after the said deeds of mortgage and bonds, with warrants of attorney to enter and confess judgment thereon, shall respectively be completed, taken, received and recorded as aforesaid, the proper commissioners shall, at the election of the mortgagor or mortgagors, respectively, either draw a draft or drafts on the county treasurer, in favor of the several and respective parties, for the amount of the sum and sums of money to them, respectively, loaned as aforesaid, payable in notes of the Bank of Pennsylvania on the first day of November next, or shall deliver a certificate or certificates to the several and respective parties, directed to the governor therein, stating the name and names of the mortgagor and mortgagors, and the sum and sums of money to him, her or them, respectively, loaned as aforesaid, and the said commissioners, respectively, shall, moreover, on or before the first day of September next, transmit and deliver to the governor, a list containing the names of all the mortgagors within their respective counties, and the sum and sums of money to them, respectively, loaned, and nothing separately such as shall elect to receive drafts on the county treasurer, and such as shall elect to receive certificates directed to the governor, as aforesaid.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That as soon as the governor shall receive the said lists from the proper commissioners of the respective counties, he shall borrow from the president, directors and company of the Bank of Pennsylvania, in pursuance of the [right and] power stipulated and reserved for that purpose, a sum equal to the total amount of the moneys for which deeds of mortgage shall have been taken and received, and according to the said lists, at such interest, not exceeding the rate of six per centum per annum, as shall be agreed upon by and between

him and the said bank, to commence on the said first day of November next, and payable, together with the principal sum, in ten equal instalments, or in a greater sum or sums or shorter period and periods, at the pleasure of government; and so much of the money thus borrowed from the said bank, as shall be necessary to pay and discharge the aggregate amount of the sums due on the certificates of the commissioners of the respective counties, directed to the governor, as aforesaid, shall, on the said first day of November next, be received from the bank in specie, and the remainder thereof shall be received as soon as the said loan shall be negotiated in post notes of the said bank, made payable on the said first day of November next, to the county treasurers, respectively, or their order, according to the sum and sums due on the draft and drafts made by the said respective commissioners on the treasurer of their respective counties.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That as soon as the governor shall have obtained the said post notes of the Bank of Pennsylvania, he shall transmit them in due proportions to the prothonotaries of the counties, respectively, who shall, immediately after the receipt thereof, deliver the same to the treasurer of the proper county, taking and transmitting to the office of the secretary of the commonwealth an acknowledgment, in writing, therefor; and the treasurers, respectively, shall, upon demand, endorse and pay the said post notes to the person and persons, respectively, to whom drafts were granted, as aforesaid, by the commissioners of the proper county, which drafts the said county treasurers, respectively, shall receive and file in their respective offices; and from and after the said first day of November next, the governor shall, upon due application, issue his warrants on the state treasurer in favor of the persons, respectively, to whom the said county commissioners shall have granted [certificates] directed to him, as aforesaid, for the sums therein certified to be to them respectively due and payable, and the warrants so issued shall be discharged out of the specie part of the loan borrowed, as aforesaid, from the Bank of Pennsylvania.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the respective commissioners of the several counties shall, on the same day and days in the year one thousand seven hundred and ninety-four, loan the sums of money hereinbefore appropriated at that time to be loaned, according to the apportionment thereof directed to be made, as aforesaid, and in so doing, they and all other persons concerned shall in all respects proceed in the like manner and have and exercise the like powers as are hereinbefore given and prescribed, touching the first loan to be made by the commissioners of the respective counties, in pursuance of the provisions hereinbefore contained, and if the sum and sums of money, or any part thereof, allowed to be loaned to any county or counties out of the first loan aforesaid, shall not be applied for before the lists of mortgagors shall be transmitted to the governor, as aforesaid, the same, or such part thereof as shall not have been applied for as aforesaid, may and shall be added to the amount of the sum and sums allowed to be loaned to such county or counties, respectively, out of the said second loan, and be therewith apportioned and lent accordingly, and the said commissioners of the several and respective counties shall yearly and every year subsequent to the present year, until it shall be otherwise directed by the legislature, loan such sum and sums of money as shall from time to time be paid to the treasurer of the proper county, on account of the principal of the mortgage money due and payable from any of the mortgagor or mortgagors aforesaid, and in so doing they shall proceed on the same day and days, in the same manner (except that they shall not grant any certificates directed to the governor as in other cases is hereinbefore provided) and shall have and exercise the like powers as are given and prescribed touching the first loan to be made by the commissioners of the counties, respectively, in pursuance of this act.

[Section X.] (Section X, P. L.) And be it further enacted by the authority aforesaid, That the sum and sums of money, together with the interest thereon, payable by the mortgagors, respectively, shall be paid as the same becomes due to the respective treasurers of the several counties, who shall certify

such payments to the respective commissioners of the several counties, to the intent that the same may be acknowledged by an indorsement in writing upon the respective deeds of mortgage, which shall accordingly be done, and the said county treasurers, respectively, shall hold the moneys so to them paid on account of the principal sum due from the several mortgagors, subject to the drafts of the respective commissioners of the several counties, for the purpose of reloaning the same, agreeably to the provisions contained in the preceding section of this act, and the money so to the county treasurers respectively paid, on account of the interest due from the respective mortgagors, shall, from time to time be by them paid to the state treasurer, unless otherwise hereafter directed by the legislature, as soon as conveniently may be, after the same shall be received by the said county treasurers, respectively.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That the respective commissioners, and treasurers of the several counties, shall keep in proper books, a fair, full and accurate statement of their respective transactions, and shall, once in every year (or oftener if required) exhibit the said books, and their respective official vouchers and papers, to the person or persons that now are or hereafter may be empowered by law to settle the accounts of the said commissioners and treasurers, respectively, for inspection and examination.

Passed April 11, 1793. Recorded L. B. No. —, p. —. (not given).

See Repealing Act passed April 18, 1794; Chapter 1750.

CHAPTER MDCXCVIII.

AN ACT TO ESTABLISH A BOARD OF WARDENS FOR THE PORT OF PHILADELPHIA, AND FOR OTHER PURPOSES THEREIN MENTIONED.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of

Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That immediately after the passing of this act, there shall be established a board of wardens for the port of Philadelphia, to consist of one master warden and six assistant wardens, to be yearly appointed by the governor of this commonwealth, and the said master warden and assistant wardens and their successors shall have full power and authority to have and use one common seal, with such devise as they shall think proper, and the same to break, alter and renew at their pleasure.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the said wardens shall employ a clerk, who shall keep fair minutes and entries of all orders, regulations and transactions of the said master warden and board of wardens, in a book or books to be kept for that purpose, and the said minutes and entries shall be public, and submitted to the inspection of any person or persons who shall desire to see and peruse the same, he or they so desiring the inspection paying to the clerk twelve cents each time the books shall be opened and examined, and the said clerk shall give true copies of all such entries or minutes made in the said book, as may be required, to such person or persons as shall demand the same, he or they paying to the said clerk one cent for each line the said copy shall obtain, every line to consist of not less than twelve words.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That the said master warden, who shall be chosen annually in manner aforesaid, or in case of his sickness or necessary absence, some one of the said wardens to be chosen by themselves, shall attend every day at the said office, Sundays excepted, from ten of the clock in the forenoon till one of the clock in the afternoon, for the dispatch of such business as may be necessary in pursuance of this act, and the person so chosen shall, during the time of such sickness or necessary absence, be vested with the like powers and authorities, to do and perform the said duties, and receive the same

compensation as the said master warden would otherwise have been.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That there shall be a meeting of the said wardens on the first Monday in every month, and at such other times as the master wardens may appoint, and the said wardens, three of whom shall be a quorum, when met, shall have full power and authority, under the limitations hereinafter prescribed, to grant licenses to persons to act as pilots in the bay and river Delaware, and to make rules for their government while employed in that service; to decide all differences which may arise between masters, owners and consignees of ships or vessels and pilots; to direct the mooring of ships and vessels in the harbor, and the order in which they shall lay, load or unload at the wharves, and to make, ordain and publish such rules and regulations, and with such penalties for breach thereof, in respect to the matters aforesaid, as they shall deem fitting and proper; provided, That such rules and regulations shall not be contrary to the constitution or laws of the United States or of this commonwealth.

Provided, That if any person whomsoever shall conceive himself aggrieved by any decision, direction or penalty made, given and imposed by the said wardens, such pilot or other person may, within six days, appeal therefrom to the court of common pleas of the county of Philadelphia, and on such appeal, the like security shall be entered and the like proceedings had, as in the case of an appeal from the judgment of a justice of the peace, for a debt or demand not exceeding ten pounds.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That every person exercising the profession of a pilot in the bay or river Delaware shall, within three months after the passing of this act, apply in person to the wardens aforesaid, for a license to entitle him to follow that occupation; and it shall be the duty of at least three of the said wardens to examine every person so applying as to his fitness in all respects to perform the duties of a pilot, and to grant

license to all such as they shall deem qualified according to their respective abilities; those of the first class to persons capable of piloting ships or vessels of any practicable draught of water; those of the second class to persons capable of piloting ships or vessels drawing twelve feet water or under; those of the third class to persons capable of piloting ships or vessels drawing nine feet or under; which licenses shall be in force for one year from the date thereof, and until the pilots, respectively, shall next after the expiration of the year arrive with any ship or vessel at the port of Philadelphia, and no longer, but every pilot delivering up his license shall be entitled to receive a new one in lieu thereof, giving like security as hereinafter directed, unless it shall appear to the said wardens that the person applying is disqualified from exercising the duties of a pilot, and if any person shall, after the time herein prescribed for taking out licenses, exercise the profession of a pilot in the bay or river Delaware without such license, or at any time after his license shall have expired, he shall forfeit for every vessel which he shall undertake to pilot to or from the port of Philadelphia the sum of thirty dollars, together with the pilotage to which he would be otherwise entitled, one-half to the use of the person who shall sue for the same and the other half to the wardens aforesaid, to the uses hereinafter mentioned.

[Section VI.] (Section VI, P. L.) And be it further enacted by the authority aforesaid, That no license of the first class shall be granted to any person who, at the time of passing this act, shall not be, or within three months previous thereto have been, a licensed pilot by virtue of the laws of this commonwealth, or who shall not have served a regular apprenticeship of at least five years to a licensed pilot; nor any license of the second class, except to persons already licensed as aforesaid, or as shall have served an apprenticeship of at least four years in manner aforesaid; nor any license of the third class, except to persons already licensed as aforesaid, or who shall have served an apprenticeship of at least three years in manner aforesaid; nor shall any license be granted until the person applying shall have given bond with

one sufficient surety to the governor of the commonwealth, in any sum not exceeding three hundred dollars, nor less than one hundred and fifty dollars, conditioned for the due and faithful performance of the duties and services required by this act, and that they will not be aiding or assisting in defrauding the revenue of the United States, and that they will deliver up the licenses to them granted when required by the wardens in pursuance of this act.

[Section VII.] (Section VII, P. L.) And be it further enacted by the authority aforesaid, That the licenses or certificates heretofore granted to any pilot or pilots by any former board of wardens and not vacated shall for the space of three months from and after the passing of this act, and no longer, be of the same force and effect as if the said licenses or certificates were granted in pursuance of the directions of this act, and all securities given by any pilots and others on their behalf shall be and continue, to all intents and purposes, of the same force and effect as any securities to be taken in pursuance of this act may or can be.

[Section VIII.] (Section VIII, P. L.) And be it further enacted by the authority aforesaid, That the pilot who shall first offer himself to any inward bound ship or vessel shall be entitled to take charge thereof, provided his license shall authorize him to pilot ships or vessels of such draught of water, and it shall be the duty of such pilot to exhibit his license to the master or commander of such ship or vessel, and in case the draught of such ship or vessel shall be greater than such pilot shall be licensed to carry, he may, nevertheless with the consent of the master, take charge of such ship or vessel until a pilot duly qualified shall offer, and if such qualified pilot shall offer before such ship or vessel shall have passed Reedy Island, he shall be received, and the former pilot entitled to pilotage according to the distance he may have conducted such ship or vessel, and the latter to the residue of the pilotage, which shall be ascertained by the master warden for the time being, and in all cases where extraordinary services have been rendered by any pilot or pilots, the

board of wardens shall, in case the parties cannot agree, determine the compensation to be allowed for such services.

[Section IX.] (Section IX, P. L.) And be it further enacted by the authority aforesaid, That the compensation to be paid to pilots for conducting ships or vessels from the city of Philadelphia to the Capes of Delaware, or from the Capes of Delaware to the city of Philadelphia, shall be, for every half foot of water which any inward bound vessel shall draw under and up to twelve feet, the sum of one dollar and seventeen cents; and for every half foot of water which such vessel shall draw more than twelve feet, the sum of one dollar and thirty-four cents; and for every half foot of water which any outward bound vessel shall draw under and up to twelve feet, the sum of eighty-three cents; and for every half foot of water which such vessel shall draw more than twelve feet, the sum of one dollar and thirty-four cents; and so in proportion for any less distance, to be settled and adjusted, in case of dispute, by the board of wardens for the time being; and shall also receive over and above the said sum, for every vessel not being the property of a citizen or citizens of the United States, the sum of two dollars and sixty-seven cents; provided that no pilot shall have or receive any reward for any supernumerary inches under six; and if any pilot shall be detained by any master, owner, or consignee of any vessel, more than twenty-four hours, he shall be entitled to receive from the master, owner or consignee of such ship or vessel the sum of two dollars for every day he shall be so detained, and also the sum of two dollars and sixty-seven cents for every day which his boat may be detained in attendance on any inward or outward bound vessel, by the master, owner or consignee of such vessel; and in case of disagreement the board of wardens shall decide.

[Section X.]. (Section X, P. L.) And be it further enacted by the authority aforesaid, That every ship or vessel arriving from or bound to any foreign port or place, and every other ship or vessel of the burden of seventy-five tons or more, sailing from or bound to any port not within the river Delaware, shall be obliged to receive a pilot; and it shall be the duty of the master of every such ship or vessel, within twenty-four hours

next after the arrival of such ship or vessel at the city of Philadelphia, to make report to the master warden of the name of such ship or vessel, her draught of water and the name of the pilot who shall have conducted her to the port; and where any such vessel shall be outward bound, the master of such vessel shall make known to the wardens the name of such vessel and of the pilot who is to conduct her to the Capes and her draught of water at that time; and it shall be the duty of the wardens to enter every such vessel in a book to be by them kept for that purpose, without fee or reward; and if the master of any ship or vessel shall neglect to make such report, he shall forfeit and pay the sum of ten dollars to the use of the wardens; and if the master of any such ship or vessel shall refuse or neglect to take a pilot, the master, owner or consignee of such vessel shall forfeit and pay to the wardens aforesaid a sum equal to the half pilotage of such ship or vessel, to the use of the Society for the relief of distressed and decayed Pilots, their widows and children.

Provided always, That where it shall appear to the wardens that, in case of an inward bound vessel, a pilot did not offer before she had reached Reedy Island, or, in case of an outward bound vessel, that a pilot could not be obtained for twenty-four hours after such vessel was ready to depart, the penalty aforesaid for not having a pilot shall not be incurred.

[Section XI.] (Section XI, P. L.) And be it further enacted by the authority aforesaid, That if it shall so happen that any first rate pilot, having his boat attending him, shall be carried to sea in any ship or vessel contrary to his inclination, the master, owner or consignee of such ship or vessel shall pay to such pilot, his executors or administrators, the sum of twenty dollars per month for every month he shall be necessarily absent, until his return to the said Capes, or in case he shall die while so absent, then, to the time of his death, and if no boat shall attend such pilot, the master, owner or consignee shall pay the sum of fourteen dollars per month, as aforesaid; and if any second rate pilot shall be carried off, as aforesaid, having a boat attending him, sixteen dollars per month, and if without a boat, eleven dollars per month shall be paid as aforesaid; and

if any third rate pilot shall be carried off, as aforesaid, having a boat attending him, thirteen dollars per month, and if without a boat, nine dollars per month shall be paid, as aforesaid, by the said master, owner or consignee of any ship or vessel which shall so convey or carry off such pilots, respectively, for every month he shall be necessarily absent, until his death or return to the Capes as aforesaid; and if any master of any ship or vessel shall carry off to sea any pilot, contrary to his inclination, when his boat or any other boat is ready to take him from such ship or vessel, and the same may be done without endangering the vessel aforesaid, the master or owner of such ship or vessel shall, for every such offence, forfeit and pay to every such pilot, his executors or administrators, the sum of eight hundred dollars, to be recovered in any court of record in which the same may be sued for, by action of debt or otherwise.

[Section XII.] (Section XII, P. L.) And be it further enacted by the authority aforesaid, That if any person having license as a pilot, shall, for the space of two weeks, refuse or wilfully neglect to execute the duties of a pilot, every such pilot, upon due proof thereof, shall forfeit his license; and if any pilot shall enter into any combination with a view of preventing any other person from executing such duties, every such pilot, being thereof duly convicted, shall forfeit his license as a pilot for the bay or river Delaware.

(Section XIII, P. L.) Whereas it may happen by decease, removal or otherwise, that the number of pilots necessary for the port of Philadelphia may be so reduced as to occasion much inconvenience to the trade of the state. For remedy whereof:

[Section XIII.] Be it further enacted by the authority aforesaid, That the wardens of the said port, or any three or more of them, are hereby empowered, on such particular occasion as aforesaid, to grant certificates to such person or persons as they may find qualified to act as pilots for the space of six months, subject to be renewed, if the occasion should require it, and subject to the like rules, orders and regulations, liable to the like fines, penalties and forfeitures as other pilots who shall be appointed by virtue of this act.

[Section XIV.] (Section XIV, P. L.) And be it further enacted by the authority aforesaid, That when any inward bound ship or vessel, having a pilot on board, shall be detained by ice, it shall and may be lawful for the master of any such ship or vessel, after being so detained for six days, to discharge his pilot, and in such case the pilot shall be entitled to receive and recover full pilotage, as if he had conducted such ship or vessel to the port of Philadelphia, and in case any such pilot shall be detained more than six days, his compensation for such detention shall be fixed by the board of wardens, unless the parties shall otherwise agree.

[Section XV.] (Section XV, P. L.) And be it further enacted by the authority aforesaid, That if any pilot shall misbehave in the execution of his duty, or any damage shall accrue by reason of his negligence or incapacity, upon due proof being made thereof to the wardens, it shall be lawful for them to fine such pilot, in any sum not exceeding the amount of the pilotage of the ship or vessel, to which such damage shall have happened, or to suspend such pilot for a term, not exceeding one month, and in every case of suspension, the pilot shall deliver up his license to the wardens, to be by them kept till the time for which he may have been suspended shall have expired.

[Section XVI.] (Section XVI, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful, upon complaint made to the mayor or any alderman in the city of Philadelphia, or to any justice of the peace in any county within this commonwealth, and they are hereby respectively empowered and required to issue forth a precept in writing, under hand and seal, in the nature of a summons, *capias*, or attachment, as the case may require, directed to any constable, commanding him to bring or cause to come before such mayor, alderman or justice, any person or persons against whom such complaint shall be made respecting any demand, matter, cause, controversy or dispute that shall or may arise between pilots, masters of vessels, owners, consignees or others respecting pilotage or other matters in dispute under this act, where the same shall not be above the

sum of ten pounds, and thereupon proceed to hear the proofs and allegations of the said parties, or such of them as shall appear, and to determine and pass judgment thereon, and also to award execution, with costs of suit, in the same manner and subject to the like appeal as in other cases of a demand, not exceeding forty shillings, and keep fair entries and records of all proceedings thereon, from the commencement of the first process to the end of such suit, provided that in all cases in the act mentioned, where power is given to the master warden or board of wardens to settle and adjust any matter or thing, the same shall, when so adjusted and settled, and no appeal made thereon within six days, be deemed and taken for conclusive evidence before such justice, mayor or alderman.

[Section XVII.] (Section XVII, P. L.) And be it further enacted by the authority aforesaid, That the master warden for the time being shall cause an abstract of the act, entitled "An act to prevent infectious diseases being brought into the province,"¹ containing the substance of all such regulations and duties, therein made and enjoined, as relate to the commanders, masters or persons having charge of ships or vessels bound to the port of Philadelphia, and have a competent number of copies of such abstract printed in the English, German and French languages, and distributed to and among the licensed pilots, so as to enable each and every of the said pilots to furnish and deliver one of the said copies to the commander or master of each and every inward bound vessel such pilot may take charge of.

[Section XVIII.] (Section XVIII, P. L.) And be it further enacted by the authority aforesaid, That it shall be the duty of every pilot, and he is hereby enjoined, to deliver one of the said abstracts or copies to the commander or master of every inward bound ship or vessel which he may take charge of as pilot, or shall otherwise fully inform such commander or master of the nature and purport of such regulations, and of the duties thereby enjoined, and such pilot shall not conduct such ship or vessel nearer to the city of Philadelphia than is

¹ Passed January 22, 1774; Chapter 691.

consistent with the said regulations, on pain of being suspended from exercising the duties and receiving the emoluments of a pilot for twelve months, and of forfeiting one hundred and twenty dollars for every such offence, to be recovered by the wardens and appropriated as hereinafter is directed.

[Section XIX.] (Section XIX, P. L.) And be it further enacted by the authority aforesaid, That every pilot who shall pilot any ship or vessel to the port of Philadelphia, or as far up the river Delaware as Little Mud Island, shall, within forty-eight hours next after her arrival at the said port or island, make report thereof to the warden's office, specifying the names of the master and vessel, and to the best of his information, the number of persons on board such vessel, and if any pilot shall neglect or refuse so to do, or knowingly make a false report, he shall forfeit and pay for every such offence the sum of twelve dollars, to be recovered and appropriated as other fines and forfeitures are by this act to be recovered and appropriated.

[Section XX.] (Section XX, P. L.) And be it further enacted by the authority aforesaid, That neither the ballast, bedding or clothing on board of any ship or vessel judged or deemed to be infectious under the act, entitled "An act to prevent infectious diseases being brought into this province,"² shall be brought up to the city of Philadelphia, the district of Southwark or Northern Liberties, but the same shall be thrown out or discharged at such convenient and proper place as the health officer may appoint and direct, under the penalty of five hundred dollars, to be recovered by the wardens and appropriated as hereinafter is directed.

[Section XXI.] (Section XXI, P. L.) And be it further enacted by the authority aforesaid, That the master warden for the time being shall do and perform, and he is hereby enjoined and required to do and perform, every act, matter and thing which by the laws of this commonwealth are enjoined and required to be done and performed by the officer styled and known by the name of health officer, and for that purpose

² See Ante.

he is hereby vested with the same power and authority, entitled to the same privileges and perquisites and subject to the same penalties as any health officer heretofore hath been vested with, entitled or subject to, and the said master warden for the time being, and no other, shall henceforth be deemed, taken and considered to be the health officer, as fully to all intents and purposes as if the said master warden were appointed in manner heretofore directed by the laws of this commonwealth.

[Section XXII.] (Section XXII, P. L.) And be it further enacted by the authority aforesaid, That the payment of those parts of the sums of money usually charged to passengers coming from foreign parts, commonly called head money, which are by law payable in the state treasury, shall, from and after the passing of this act, cease to be paid by or charged to such passengers other than negro and mulatto slaves.

[Section XXIII.] (Section XXIII, P. L.) And be it further enacted by the authority aforesaid, That all forfeitures, penalties, sum or sums of money in this act mentioned, or accruing by virtue thereof, and not otherwise directed and appropriated, shall be payable, sued for, recovered and applied in manner and form following, that is to say; all the said forfeitures, penalties, sum and sums of money in and by this act made payable to the master warden for the time being, shall be sued for and recovered by the said master warden, with costs of suit, before the mayor or any alderman of the city of Philadelphia, or before any justice of the peace of the county of Philadelphia, or any other county in this state, where the same shall not exceed the sum of twenty-six dollars and sixty-seven cents, in like manner as other debts under ten pounds are by the laws of this commonwealth recoverable, and subject to the like appeal, security, trial and costs; and that all such forfeitures, penalties, sum and sums of money as shall amount to more than twenty-six dollars and sixty-seven cents, shall be sued for and recovered with costs of suit, by action of debt, case, bill, plaint or information, in any court of record within this state or otherwise, and that all the fines, forfeitures, penalties, sum and sums of money received by the master warden or wardens by virtue of this act, and not otherwise appropriated, shall be by them

respectively paid to the state treasurer once in every three months, for the special use and purpose of paying off the rent, salaries, wages and other incidental expenses arising from the due execution of this act, and all other expenses, costs and charges which have accrued by the execution of the several acts respecting the wardens of the port of Philadelphia, and to this end all the said fines, forfeitures, penalties, sum and sums of money so as aforesaid to be paid to the said treasurer in pursuance of this act, shall remain in the hands of the said treasurer, specially appropriated for the purpose and subject to the drafts of the said master warden or board of wardens, for all or any of the purposes aforesaid, and for no other use or purpose whatsoever, and to the end and intent that fair and just accounts shall be kept and settlements made by the said wardens of all their transactions in pursuance of this act, they are hereby enjoined and required to exhibit just and true accounts of them, once in three months, to the register-general, who is hereby authorized and required to settle and adjust the same, in like manner as other accounts are settled by him agreeably to the laws of this commonwealth, subject to the like appeal, security, trial and costs, as in other cases of appeal from any settlement made before him, and in like manner to proceed and recover such balance or balances as on such settlement or settlements shall be found due from them or any of them.

[Section XXIV.] (Section XXIV, P. L.) And be it further enacted by the authority aforesaid, That when and so often as any person shall be desirous to extend any wharf or other building, or cause any wharf or other building to be made in the tideway of the river Delaware, from any part of the city or liberties of Philadelphia, such person shall make application to the board of wardens, at any of their monthly meetings aforesaid, stating in writing, the nature, extent and plan of such intended wharf or building, and if it shall appear to the board of wardens, or a majority of them, that such plan and design may be lawfully executed, and that the same will not improperly encroach upon or injure the said channel and harbor, the board of wardens, at any of their said stated monthly meetings, or

when especially convened in manner aforesaid, shall give their assent and license for erecting, extending or making such wharf or building, and cause the same to be recorded in their office, but if the said board of wardens shall deem it improper to give such assent and license, and the party applying shall think himself aggrieved by their resolutions, he may make such application to the court of common pleas for the county of Philadelphia, who, after hearing the reasons which induced the wardens to refuse their assent, shall finally determine and award thereon as they may think right and proper, and if any person or persons, after the publication of this act, shall make or extend any wharf or building within the city or liberties of Philadelphia into the river Delaware beyond low water mark, without license first had and obtained from the wardens aforesaid, or in case of their refusal, of the court of common pleas, aforesaid, he, she or they shall, upon conviction thereof, forfeit and pay to the said board of wardens the sum of four thousand dollars, to be by them recovered and applied in such manner as other fines, forfeitures or sums of money by this act made payable to them are directed to be recovered and applied.

[Section XXV.] (Section XXV, P. L.) And be it further enacted by the authority aforesaid, That no ship or vessel which, by the laws of the United States, may be subject to the duties of tonnage, shall be permitted to moor at or otherwise occupy any wharf within the city or liberties of Philadelphia, without leave first had and obtained from the owner or possessor thereof.

Provided always, That if such leave be duly applied for by the owner, agent, master or other person having charge of any such ship or vessel, and refused by the owner or possessor of any wharf within the limits aforesaid, being vacant in the whole or in such part as may reasonably accommodate the ship or vessel so applied for, and such vacancies shall not be occupied by some ship or vessel in which the owner or possessor of the wharf hath an immediate interest for twenty-four hours after such application and refusal, it shall then, and in such case, be lawful for the ship or vessel first applied for to be

moored at and occupy such wharf, or part thereof, for so long time as shall be requisite for the dispatch of her business, subject nevertheless to the control and direction of the master warden for the time being.

[Section XXVI.] (Section XXVI, P. L.) And be it further enacted by the authority aforesaid, That when any ship or vessel which, by the laws of the United States, may be subject to the duties of tonnage, shall be moored at and occupy any wharf, or end or side thereof within the city and liberties aforesaid, affording proper convenience for such vessel to discharge and receive goods, either with or without the leave and consent of the owner or possessor of such wharf, and without any agreement being made for the rate or price of such wharfage, it shall and may be lawful for the owner or possessor of such wharf to demand and receive for such wharfage, any sum not exceeding the rate of eighty cents per day, for so long time as such vessel shall occupy such wharf, or part thereof, and for an outside berth, the second vessel from a wharf shall pay not exceeding the rate of forty cents per day, and the third vessel from a wharf shall pay not exceeding the rate of twenty cents per day.

[Section XXVII.] (Section XXVII, P. L.) And be it further enacted by the authority aforesaid, That the master warden for the time being, or any board of wardens be, and they are hereby severally authorized and required, on application to him or them made for the removal of any ship or vessel out of repair, unemployed and occupying any wharf for an unreasonable length of time, to the hindrance and obstruction of other vessels, to inquire into the nature and circumstances of the wardens or board of wardens shall approve; and in case such convenient and proper place as the owner, master or other person having charge thereof shall choose, and as the said master wardens or board of wardens shall approve; and in case such owner or other person shall refuse or neglect to choose such other place or situation as shall be so approved, or to make such removal of the vessel as the said master warden or board of wardens shall direct, within twenty-four hours after due no-

tice given for that purpose, such owner, master or other person having charge of such ship or vessel, shall forfeit and pay to the said wardens the sum of twelve dollars for every day such ship or vessel shall afterwards remain unremoved as aforesaid, unless prevented by stress of weather or other reasonable cause, of which the said master warden or board of wardens shall be the judge or judges, which forfeitures shall be sued for, recovered and appropriated as other forfeitures herein mentioned are to be recovered and appropriated.

[Section XXVIII.] (Section XXVIII, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall, from and after the passing of this act, burn or bream, or cause to be burned or breamed, any ship or vessel, or any part thereof, at or near any wharf or wharves, or between South and Vine streets, in the said city, he or they so offending, for every such offence, shall forfeit and pay to the said master wardens the sum of one hundred and fifty dollars, to be by them recovered and appropriated as other forfeitures herein mentioned are to be recovered and appropriated.

[Section XXIX.] (Section XXIX, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons shall think himself or themselves aggrieved by any order or sentence made by the master warden for the time being, it shall and may be lawful for such person or persons to appeal therefrom to the board of wardens, on giving bond to the master warden with one sufficient surety, in any sum not exceeding one hundred dollars, to abide and perform the final determination of the board thereon, of the sufficiency of such security the master warden shall judge and determine, which bond shall be executed and tendered within twenty-four hours after notice of such order or sentence, and the party appellant shall persecute such appeal with effect before the board at their next meeting, otherwise their appeal shall be dismissed, unless a satisfactory cause for a further continuance be shown to the board, and if either of the parties shall require it, and the master warden for the time being shall think it proper, a special meeting of the board shall be called for the hearing such appeal as early as conveniently may be, and if upon such

hearing, either at a stated or special meeting, the original order or sentence shall be affirmed, the board shall award such reasonable costs, to be paid by the appellant, as they shall adjudge to be adequate to the expenses occasioned by the appeal, including the established pay of the master warden and the clerk for so long time as they shall have attended the said business.

[Section XXX.] (Section XXX, P. L.) And be it further enacted by the authority aforesaid, That every warden who shall be appointed by virtue of this act shall, before he takes upon himself the exercise of the duties herein required, take an oath or affirmation before one of the judges of the court of common pleas for the county of Philadelphia, that he will well and faithfully, to the best of his skill, understanding and judgment, do, execute and discharge the office and duties of a warden of the port of Philadelphia, without favor or partiality, according to the laws of this commonwealth.

[Section XXXI.] (Section XXXI, P. L.) And be it further enacted by the authority aforesaid, That the compensation to be paid to the master warden for the time being, shall be two dollars for every day which he may attend at the wardens office in pursuance of this act, and the clerk of the board of wardens, shall receive, as a compensation for his service, the sum of three hundred dollars per annum, which said several compensations shall be paid by the treasurer of this commonwealth, by virtue of orders drawn on him for that purpose on the board of wardens, out of the moneys which shall be paid into his hands by virtue of this act, and if upon settlement of the accounts relative to the said warden's office, and the expenses necessarily incurred in conducting the business thereof, agreeably to the provision of this act, which accounts the said master warden is hereby enjoined to exhibit quarterly to the register-general to be settled, as is by law directed with respect to other public accounts, it should appear that the moneys paid into the hands of the said master warden, as aforesaid, have been insufficient to defray the said expenses, it shall and may be lawful for the governor to draw a warrant or warrants upon the state treasurer for the amount of such deficiency, provided the

same shall not in any one year exceed the sum of eight hundred dollars, which shall be paid out of the funds appropriated for the support of government.

[Section XXXII.] (Section XXXII, P. L.) And be it further enacted by the authority aforesaid, That in case the master warden or any of the assistant wardens shall die, neglect, refuse or become incapable to perform the duties enjoined and required by this act, the governor of this commonwealth shall appoint some other discreet or skillful person to perform the duties herein enjoined and required.

[Section XXXIII.] (Section XXXIII, P. L.) And be it further enacted by the authority aforesaid, That the act of general assembly, passed the fourth day of October, in the year of our Lord one thousand seven hundred and eighty-eight, entitled "An act to establish a board of wardens for the port of Philadelphia and for other purposes therein mentioned,"³ and one other act, entitled "A supplement to an act, entitled 'An act to establish a board of wardens for the port of Philadelphia, and for other purposes therein mentioned,'"⁴ and every clause, matter and thing in them, or either of them, contained, excepting the forty-sixth section or clause in the first mentioned act repealing certain laws therein mentioned, shall be and the same are hereby repealed.

[Section XXXIV.] (Section XXXIV, P. L.) And be it further enacted by the authority aforesaid, That the appeal allowed in the fourth section of this act be, and it is hereby extended to all the fines and penalties hereby authorized.

[Section XXXV.] (Section XXXV, P. L.) And be it further enacted by the authority aforesaid, That this act shall remain and continue in force for and during the term of one year from the time of passing the same, and from thence until the end of the next session of the general assembly of this

³ Chapter 1363.

⁴ Passed March 27, 1789; Chapter 1417.

commonwealth, unless congress shall before that time otherwise provide by law, and no longer.

Passed April 11, 1793. Recorded L. B. No. —, p. —. (not given).

Supplement passed April 22, 1794; Chapter 1765. Further Supplement passed April 6, 1795; Chapter 1823. Amended and continued by Act of April 5, 1797; Chapter 1956. See Act of April 9, 1799; Chapter 2066, continuing and making perpetual with exception of certain sections.

CHAPTER MDCXCIX.

AN ACT TO PROVIDE FOR THE DEFENCE OF THE RIVER DELAWARE.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That a sum not exceeding five thousand dollars be appropriated for defraying the necessary expenses that by the orders of the governor may have been or shall be incurred in repairing the fort and erecting a battery upon Mud Island, for the purpose of commanding the navigation of the river Delaware, which sum shall be paid by the state treasurer upon the warrants of the governor, out of the funds appropriated by law to pay the expenses of government.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That the necessary expenses that may have been, or until the first day of January next shall be incurred, for the pay and rations for the militia necessarily stationed at the said fort, shall, until repaid by the general government, be paid by the state treasurer upon the warrants of the governor, out of the fund appropriated by law for defraying the expenses that may be incurred by calling into actual service the militia necessary for the defence of the frontiers.

Passed September 4, 1793. Recorded L. B. No. 5, p. 174, etc.

CHAPTER MDCC.

AN ACT PROVIDING FOR CERTAIN RETURNS OF SURVEYS BEING RECEIVED IN THE LAND-OFFICE.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That all returns of surveys which have been actually executed since the fourth day of July, one thousand seven hundred and seventy-six, by deputy surveyors, whilst they acted under legal appointments, shall be received in the land office, although the said deputies may happen not to be in office at the time of such return or returns being made.

Provided, That no returns be admitted that were made by deputy surveyors who have been more than nine years out of office.

Passed September 4, 1793. Recorded L. B. No. 5, p. 174.

CHAPTER MDCCI.

AN ACT TO EXTEND THE TIME FOR PATENTING LANDS.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the act, entitled "An act to extend the time for patenting lands," passed on the twenty-first day of March, one thousand seven hundred and ninety-two, and all things therein contained, be extended until the first day of November next, and from thence to the end of the next session of the general assembly.

Passed September 4, 1793. Recorded L. B. No. 5, p. 174.

CHAPTER MDCCII.

AN ACT TO SUSPEND FOR A LIMITED TIME SO MUCH OF THE ACT, ENTITLED "AN ACT TO REGULATE THE ASSIZE OF BREAD AND FOR OTHER PURPOSES THEREIN MENTIONED," AS RELATES TO THE ASSIZE OF BREAD.

Whereas in and by an act of the general assembly of the late province of Pennsylvania, entitled "An act to regulate the assize of bread, and for other purposes therein mentioned,"¹ passed on the eighteenth day of March, one thousand seven hundred and seventy-five, the magistrates and justices of the peace of the said province were authorized and required to set, ascertain and appoint within their respective jurisdictions, the assize and weight of several sorts of bread, according to a table therein set forth. And whereas doubts have arisen whether the same does not infringe the equality of rights established by the constitution of this commonwealth: Therefore:

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the said above recited act as relates to the assize and weight of bread, and no more, shall be and the same is hereby suspended for and during the term of two years from and after the passing of this act.

(Section II, P. L.) And whereas it is just, reasonable and necessary that the poor and indigent part of the community, as well as other persons, should be fully informed of the weight or quantity of the bread which they are about to purchase, and be truly guarded against imposition.

[Section II.] Be it enacted by the authority aforesaid, That during the term of suspension aforesaid, all loaves of bread made for sale shall be of one or other of the weights following,

¹ Chapter 709.

that is to say; of half a pound, of one pound, of two pounds, of four pounds or of six pounds, avoirdupois weight, and that each of the said loaves shall be marked with a figure or figures, not less than one inch in length, impressed on the top of the loaf to express the weight thereof.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That if any person or persons whatever shall, during the continuance of this act, make for sale, sell or expose to sale, any loaf of bread which shall not be of one or other of the weights aforesaid, or not marked with a figure or figures in the manner hereinbefore enacted, it shall and may be lawful for the clerks of the market to seize the same, and in every such seizure to proceed in the manner directed by the act hereby suspended in case of seizure.

Passed September 4, 1793. Recorded L. B. No. 5, p. 176 and 177.

Continued by an Act of Assembly passed April 6, 1795; Chapter 1824. Repealed by an Act of Assembly passed April 1, 1797; Chapter 1947.

CHAPTER MDCCIII.

AN ACT TO ANNEX THE TOWNSHIP OF LETTERKENNY, IN THE COUNTY OF FRANKLIN, TO THE FIFTH ELECTION DISTRICT, AND TO CHANGE THE PLACE OF HOLDING THE ANNUAL ELECTIONS OF SAID DISTRICT, AND TO UNITE PART OF SOUTHAMPTON TOWNSHIP TO THE FIRST DISTRICT.

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the township of Letterkenny, in the county of Franklin, shall be annexed to that part of the fifth election district, consisting of Lurgan township and that part of Southampton laying west of the great road leading from Shippensburg to James Finley's, called London Road; and the freemen of the said fifth district shall meet, to hold their annual elec-

tions, at the house now occupied by Andrew Ralston, in the town of Strasburg, in the township of Letterkenny; and that part of the township of Southampton laying east of said road, shall be annexed to the first election district, and the freemen thereof shall meet, to hold their annual elections, at the court house in Chambersburgh, any law to the contrary notwithstanding.

Passed September 4, 1793. Recorded L. B. No. 5, p. 175.

CHAPTER MDCCIV.

A SUPPLEMENT TO AN ACT, ENTITLED "AN ACT TO PREVENT INFECTIOUS DISEASES BEING BROUGHT INTO THIS PROVINCE"¹

[Section I.] (Section I, P. L.) Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be the duty of the health officer to visit all such vessels as the governor may from time to time direct, taking with him some able and skillful physician, in the manner and for the purposes provided by the act to which this act is a supplement, and to proceed in all things touching the said vessels and the passengers therein agreeably to the provisions of the said act, with respect to the vessels and passengers in the said act described.

[Section II.] (Section II, P. L.) And be it further enacted by the authority aforesaid, That it shall and may be lawful for the governor of the commonwealth to prevent all such vessels as he may, for the preservation of the public health, judge necessary, from being brought nearer to the city than Little Mud Island, and also the landing of any person or thing from on board such vessel or vessels, and to proceed in all things touching the same, as is directed by the second section of the aforesaid act respecting the ships and vessels therein de-

¹ Passed January 22, 1774; Chapter 691.

scribed, and to empower the health officer to employ such assistants as may be necessary for the full and complete execution of this act, and for defraying the necessary expenses in the premises and supplying any deficiencies that may from time to time exist in the funds appropriated to the support of the hospital on Province Island, the governor is hereby empowered to draw a warrant or warrants on the state treasurer, for any sum not exceeding three thousand dollars, to be paid out of the funds appropriated to the support of government.

[Section III.] (Section III, P. L.) And be it further enacted by the authority aforesaid, That in order to ascertain whether any transgression of the existing laws of this commonwealth shall have taken place, the health officer or his assistants may at any time enter on board any vessel coming into or lying in this port, and make such examination as he may think necessary for that purpose.

[Section IV.] (Section IV, P. L.) And be it further enacted by the authority aforesaid, That all and every person or persons transgressing the regulations made in pursuance of this act, shall be liable to like penalties, and the same shall be recovered in the like manner as is set forth and declared in the act to which this is a supplement.

[Section V.] (Section V, P. L.) And be it further enacted by the authority aforesaid, That this act, and every matter and thing therein contained, shall be and remain in force until the first day of January next, and no longer.

Passed September 5, 1793. Recorded L. B. No. 5, p. 177, etc.

Expired, in part revived by an Act of Assembly passed March 11, 1794; Chapter 1719.



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